

SENATE.

SATURDAY, April 27, 1918.

(Legislative day of Wednesday, April 24, 1918.)

The Senate met at 12 o'clock noon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 3803) authorizing the President during the existing emergency to sell supplies, materials, equipment, and other property heretofore or hereafter purchased, acquired, or manufactured by the United States in connection with, or incidental to, the prosecution of the war, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DENT, Mr. FIELDS, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11658. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a memorial of sundry Chippewa Indians residing on the White Earth Indian Reservation, Minn., remonstrating against the payment of certain sums out of their funds to Ben. L. Fairbanks and others, which was referred to the Committee on Indian Affairs.

He also presented a petition of the Fulda Reading Club, of Fulda, Minn., praying for the repeal of the present zone system of postage rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the congregation of the Duluth Presbytery, at Two Harbors, Minn., praying for national prohibition as a war measure, which was ordered to lie on the table.

He also presented memorials of the Northern Machinery Co., of Minneapolis, of the Citizens Alliance, of Minneapolis, and of the American Hoisting Derrick Co., of St. Paul, all in the State of Minnesota, remonstrating against the adoption of the proposed amendment to the naval appropriation bill penalizing the granting of bonuses and premiums to employees in the navy yards, which were referred to the Committee on Naval Affairs.

Mr. LODGE presented a petition of H. M. Warren Post, No. 12, Grand Army of the Republic, Department of Massachusetts, of Wakefield, Mass., praying for an increase in the pensions of veterans of the Civil War, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 4452) granting an increase of pension to Frank Libby (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4453) to establish the military record of Marshall M. Pool; to the Committee on Military Affairs.

A bill (S. 4454) granting a pension to Richard R. Trench; and A bill (S. 4455) granting an increase of pension to W. S. Lambert; to the Committee on Pensions.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. LODGE submitted an amendment proposing to appropriate \$400,000 for extension of Piers Nos. 4, 4a, 5, and 6, and

\$1,200,000 for power plant, etc., at the navy yard, Boston, Mass., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles and referred to the Committee on Pensions:

H. R. 11658. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 11663. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government.

Mr. JONES of Washington. Mr. President, something is wrong; our war preparations are not moving as they ought to move. The President thinks he needs the power given by this bill to do what ought to be done. He will not use what he has till this is passed. It is therefore necessary. I shall vote for it whether amended or not, and let the future take care of any failure or unwise action. This is all I care to say on this bill, but I am going to take a few moments to speak of legislation which I deem of supreme importance, but which I understand a legislator high in the councils of the Democratic Party thinks we should postpone until after the fall elections, although it is not a party question at all.

Sir Adam Beck, chairman of the Hydroelectric Commission of the Province of Ontario, Canada, in testifying last week before the Water Power Committee of the House of Representatives, described the wonderful impetus given to the industrial growth of that community through delivery of 315,000 hydroelectric horsepower generated at Niagara Falls, and said that further water-power developments which were about to be undertaken would increase the production of power in Ontario by 1921 to 750,000 horsepower. I quote from Sir Adam Beck's testimony as follows:

I wish to tell you now that we are short in the Niagara district, in the Province of Ontario, at least 100,000 horsepower that is essential and necessary at this time, and largely for munition purposes. We have three large American plants on the Canadian side manufacturing explosives or essentials to the war, in the Carbide Co., the Electro-Metals Co., and the Cyanamide Co., and they use between them in the neighborhood of 75,000 horsepower. We have received repeated appeals from Washington to increase these quantities, and we have done everything to curtail the use of power so that these large industries can keep their business going.

Of course, if we were as greedy as we might be—and I suppose we are human—we would not encourage in any way by an object lesson such as we have here to have you nationalize the water powers on the American side, because these large industries you have will be more likely to establish branch industries in the Province of Ontario to take care of their foreign trade, having labor conditions equally favorable and a much cheaper price of electricity and no fear of an increase in the price of that electricity. * * * We have a large industry now on the St. Lawrence, in the British Chemical Co. It is American, however, entirely. They are establishing a large industry and are only using 4,000, but want 8,000. They are quite safe in assuming that the price will not be increased; that they will not be deprived of that power.

I am informed that in addition to the American industrial plants referred to by Sir Adam Beck, which have been forced to locate in Canada, through inability to obtain cheap hydroelectric power in the United States that several large plants have been built by American capital in the Province of Quebec, which are using over 100,000 horsepower in the aggregate, and which plants would have been built in the United States but for our restrictive water-power laws, which prevented development and utilization of hydroelectric energy here. The American Carbide Co. recently completed an 80,000 horsepower plant in Norway, which also would have been built in this country but for our restrictive laws.

Why does not Congress enact legislation which will make possible the development of our water powers? Why is this not done when we have it on the high authority of the Chief Executive of the land that next to matters relating strictly to the immediate conduct of the war it is the most important public business before Congress. In his message last December the only legislation urged by the President upon Congress other than measures of immediate military necessity was the speedy enactment of laws under which this great natural resource might be utilized. The importance of such legislation can not be overstated. The Senate promptly complied with the President's suggestion and passed the Shields water-power bill on

December 14, 1917, dealing with water powers on navigable streams. The House has appointed a special water-power committee, consisting of the six ranking members of the Interstate and Foreign Commerce, the Public Lands, and the Agricultural Committees and to it has been referred all water-power bills, including the Shields bill, and a bill prepared by the Departments of War, Interior, and Agriculture, which includes in one measure all phases of the water-power question and contains many of the best features of the Shields and other water-power bills which have been considered by the Senate. I quote extracts from the letter of the Secretaries of War, Interior, and Agriculture, transmitting the administration water-power bill to Hon. T. W. SIMS, chairman of the House committee:

WASHINGTON, February 27, 1918.

Hon. T. W. SIMS,
House of Representatives.

DEAR MR. SIMS: It is understood your committee will take action at an early date upon various proposals which have been made concerning water-power legislation. On account of the conditions now affecting the power industry and the need of maintaining our entire industrial machinery at its highest efficiency, a satisfactory solution of the water-power problem is, in our judgment, one of the most important steps for the consideration of this Congress and one which should receive attention at the earliest practicable date.

The industrial expansion which has been necessary in order to produce the materials and equipment needed in the prosecution of the war has placed unprecedented demands upon the electric-power industry, to such an extent in fact that the output of commercial central stations has increased more than 60 per cent since 1914. There is also need of legislation in order that time may be given to prepare for the developments that must take place after the close of the war, if the United States is to maintain its proper place in world trade, or even to supply its domestic needs. A survey of our water-power resources is needed, particularly with relation to specific districts and specific industries.

Beyond the need of power development as such is the need of increasing the proportion of water power in order to reduce the drain on our coal and petroleum supplies, particularly the latter. Even if the coal supply were unlimited, the reduction in the demands upon labor and transportation equipment would be sufficient reason for substituting water power for steam power whenever possible. The petroleum supply, particularly in the West where the greatest proportion is used for fuel, is being rapidly depleted, consumption has exceeded production, and stocks in storage are fast disappearing. With the substitution of water power for steam power in central stations and with the electrification of railroads a large part of the use of petroleum for fuel could be eliminated.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.
FRANKLIN K. LANE,
Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

For 10 long years restrictive Federal water-power laws have prevented the utilization of the energy contained in our descending waters. This mighty resource has been allowed to waste while enormous quantities of coal and oil have been taken from the earth and used up to meet the ever-increasing demands for electric energy, which during the last decade has increased sixfold.

I dislike to say it, but we of America are wont to deceive ourselves as to actual conditions. We wait until to-morrow to do the things we should have done yesterday. We have not taken advantage of our opportunities as we should.

A little plain talk will not hurt us. I am not driving at any party or at those who have the direction of the Nation's affairs in their hands. But I am finding fault with Congress for holding up water-power development for the past 10 years by unreasonable and indefensible projects of regulation so drastic in their nature as to frighten off any sane investor, and now we are suffering the penalty of sloth. The development of water powers is pioneer work of a hazardous nature, subject to many risks and uncertainties, and, under regulation of rates by public authorities, the hydroelectric business is and must be conducted upon a close margin of profit. Capital, therefore, will not invest nor men put in their time in hydroelectric development except upon a basis which, so far as Government requirements are concerned, will at least not jeopardize the investment or prevent a fair return thereon. The time has come when the country needs the force and energy contained in its wasting water powers to supplement its man power, and the penalty of delay is enforced by fate against the unready. Let us put the blame where it belongs. The fault is with Congress and with Congress alone. It is the lawmaking body. It can not escape that responsibility. The controversy in the country over the character of legislation under which water powers can be developed has been reflected in Congress, and thus far we have been unable to get together. Each extreme has held fast to its own view and our water powers have been idle and wasting. Departmental heads have striven to dominate and form legislation and have been a potent factor in preventing action, but this does not excuse Congress. It should realize the tremendous need. It should harmonize divergent views and, with a due regard for public opinion, frame legislation which

it believes will serve the public good. If Congress had acted five years ago and passed suitable legislation, millions and millions of water power would have been utilized that are still going to waste, and the successful carrying on of the war would have been enormously aided, fuel and labor shortage greatly lessened, and the transportation problem rendered much less acute. No single stroke would have helped the present situation so much as a proper hydroelectric law enacted five years ago. But, as the water-power men say, "that's over the dam." The question is, Are we going to benefit by this lesson of "what might have been" or not? Failure of Congress to pass a workable water-power law at this session will be nothing short of crime and disloyalty to the dire necessity of our country. A very heavy responsibility rests upon us, and we must promptly meet it or the country will properly call us to sharp account for neglect of our duty. I could insert in the RECORD a thousand pages of news articles and editorials from the press of the country which have appeared in the past six months calling on Congress to act. I am glad to be able to say that Congress has never made a political question of this great national problem; it has been merely a difference of opinion on details. I call on my fellow Members of Congress, both in the House and in the Senate, to get together and speedily enact legislation which will cure the present stagnation in water-power development. Let us take a broad view of the question, not quibble over details. Congress thought development would take place in the navigable streams under the law of 1910, but it was mistaken. That law was too restrictive, and development has not taken place under it and never will. Germany and Austria have developed 90 per cent of their water powers and we but 10 per cent of ours.

I will describe to you the results which would follow the development of just one of our now wasting water powers. I refer to one contained in the Priest Rapids of the Columbia River, located in the central part of the State of Washington. At the present time there are not over 100 people living within a radius of 20 miles of the locality to which I refer. The river is bordered by hundreds of thousands of acres of volcanic-ash soil—a desert now, owing to the annual rainfall being less than 5 inches—a land which has 325 days of brilliant sunshine and but 40 days of cloud and rain per year. But give that desert soil water and it will produce every crop known to the temperate zone, such as cotton, tobacco, sugar beets, every variety of beans, alfalfa, and all kinds of grain and fruits. There nature has assembled the land, the water, and the power—all useless at the present time, but by developing the power and using it to lift the water to the land, that now silent valley would be brought to life, peopled with thousands of homes, and made to produce agricultural products of quantity ten times greater than sufficient to feed the local population. The Columbia is the twelfth largest river in the world and the second in the United States, and is navigable for 1,000-ton steamers from the Pacific Ocean, into which it flows, to the foot of Priest Rapids, a distance of 400 miles. The dam which it is proposed to build across the river at the foot of the rapids would, with the installation of locks and the removal of some minor obstacles above the head of the rapids, render the river navigable for a farther distance of 200 miles inland, almost to the Canadian boundary, traversing a region now almost devoid of transportation facilities.

The dam, 90 feet high and 1 mile long, would cost approximately \$25,000,000 and would develop about 250,000 continuous horsepower. This power would be used for a diversity of purposes, such as the operation of industrial plants for production of electrochemicals, pottery, asbestos material, wood pulp, paper, and beet sugar; in the smelting of lead and silver ores, and for other metallurgical purposes; and also for the electrification of near-by divisions of three transcontinental railroads. The high-water period is providentially also the irrigation period, and the flow of the river from April to October rises sufficiently to furnish water for all near-by land, and also is capable of producing additional power sufficient to raise the water to the land without interfering with the all-the-year power required for the other purposes mentioned above.

Thus the development of this water power would bring an industrial and agricultural population of at least 50,000 people to a now silent land; would open to navigation 200 miles of inland waterway through a region almost devoid of transportation facilities; would save the coal now used to propel the trains of three transcontinental railroads across a large part of the State of Washington, and the river would teem with the traffic resulting from the development of a now almost uninhabited region.

I have given you but one object lesson of what would follow the passage of sane and practical water-power legislation. Yet there are many other water powers awaiting development in the

eastern, southern, and western parts of the country which would bring equally beneficial results, and which have been held back from development for years past solely because of the restrictive laws now in force.

I quote from the testimony of a witness who appeared before the special water-power committee of the House at its recent hearings:

The total land-surface area of the 11 public-domain States of the West is 755,915,560 acres, of which 471,033,227 acres is in public ownership and 284,882,333 acres in private ownership. That is, the public domain comprises 62 per cent of the total area of these States, or an area approximately as large as the entire United States east of the Mississippi River. With the exception of the Sacramento, Columbia, Snake, and Missouri Rivers, all the navigable rivers of the country are located in the central, eastern, and southern sections of the United States.

Over 60 per cent of the wasting water powers of the United States are located in nonnavigable streams in the undeveloped portions of the public domain in the far West. The electric energy which could be produced from these water powers would be within easy reach by transmission lines of vast areas of lands, mineral deposits, and other natural resources owned by the Federal Government. These great properties at present idle, and in their present condition almost worthless, could be utilized and made of great value through the development of the water powers in their midst. The land would be brought under cultivation through electrically operated pumping plants, and power would be available to open up mines and operate smelters and for other purposes.

Cities, towns, and villages all over the country offer free sites and cash bonuses to induce the building of manufacturing plants, because they bring increased population, increase taxable values, and enhance the value of all near-by property. Why, therefore, would it not be good business for the Government to render the development of these water powers as attractive as possible? Why is it not manifestly in the public interest that Congress enact such legislation as will encourage men and capital to undertake the development of this great national resource, which would vastly increase the value of the public domain, would increase the national wealth, and would be accomplished without taxation and by private capital?

Under the railroad law of March 3, 1875, any incorporated railroad may obtain free right of way through any of the public lands of the United States merely by filing a map of its proposed line. The same is true for telephone and telegraph lines, and in the oil-producing public-land States for oil pipe lines. These free rights of way are granted because their building is pioneer work often through localities practically uninhabited and because their installation means the development and increased value of the Government lands through which they pass. The development of water power is to an equal extent pioneer work, and of a much more hazardous nature than the building of railroads and installation of telephone and telegraph lines, and the benefits accruing to the public through enhancing the value of the public domain are fully as great, and therefore the Government in the public interest should encourage the development of the now wasting water powers of the country to the fullest extent possible.

The time is ripe to act. Legislators and administrators are taking a broader attitude than ever before. We are ready to make concessions to get good, workable laws. I am glad to note that executive officers seem to be ready to recede from extreme demands. It has been insisted that we should empower executive officers to impose charges on water-power development, to raise revenue and regulate charges to consumers, though I have never been able to figure out how we could benefit the consumer by putting on a tax that he must pay. They are willing to give up these demands. Mr. Merrill and Secretary Lane have testified before the House committee on this important subject. I do not agree entirely with their views, but I can join them on the basis they suggest in order to get a law under which our great resources will be saved from waste in a way most beneficial to our industries and our people. They said:

Mr. MERRILL. This is my position in regard to rental charges: I do not believe in the collection of rental charges primarily for revenue purposes. I do not think it is the best way to obtain revenue, particularly since such a method would impose taxation upon those power users only who happened to obtain power from a project under license. All other power users would be free from the charge or tax. In my judgment there are only two reasons why rental charges should be collected for a license for power development on either a navigable stream or on the public lands. One reason is to collect an amount sufficient at least to pay the cost, direct and indirect, of the administration of water powers under the act and a fair proportion of the cost of administration and protection of the public lands and the national forests.

Mr. McLAUGHLIN. That is the only idea in levying this charge. Mr. MERRILL. And beyond that, under certain circumstances, it may be necessary to go beyond the administrative charge as the only means of getting back to the public excess earnings that can not be reached in any other way. These are the only two reasons on which I would fix a general rental charge.

Mr. TAYLOR. This bill is drafted on the broad governmental development theory that it is for the welfare of our country to develop this power, to give employment to money and people, and develop our country rather than a system of the peculation of fees out of anybody.

Mr. MERRILL. You are quite right. As far as my opinion goes, it is just this: That except under the unusual circumstances where it is the only way of requiring excess earnings to be divided up, excessive earnings which can not be reached in any other way, we will simply fix a rental charge that will adequately meet the cost of administration such as I have already named, and let the rest go back to the public through reduced rates for the service.

Mr. TAYLOR. So that the public will get the benefit in rate regulation of whatever the Government might otherwise collect as fees?

Mr. MERRILL. Yes, sir.

Mr. TAYLOR. And put into the Federal Treasury?

Mr. MERRILL. I would start with a nominal franchise charge as a basis. This would be applicable to navigable rivers where no Government property is involved. I would increase this somewhat where Gov-

ernment property, such as the public lands or national forests, is also involved, and I would increase it somewhat further where Government property, such as navigation dams upon which Government moneys have been expended, are being used by a licensee. I would not collect charges in any event primarily for general revenue purposes, nor would I fix charges above the amount reasonably necessary to reimburse the Government for those costs of administration which I have already named, which would have the effect either of increasing rates to consumers or of preventing a licensee from earning a fair return upon his investment.

TESTIMONY OF SECRETARY LANE.

Mr. TAYLOR. It is not your idea, is it, Mr. Secretary, that the Government should go into this as a money-making proposition?

Secretary LANE. Not now. I should say that the primary object of any bill of this kind is to help out the people in the neighborhood of the development.

Mr. TAYLOR. To give them—

Secretary LANE (interposing). To give them power instead of coal.

Mr. TAYLOR. To give them the benefit of such rates and service as the developing companies, without having an additional charge put on them for the Federal Treasury, which must necessarily in most cases at last be passed on by the people.

Secretary LANE. Yes. We ought not to make the charge so burdensome that it would increase perceptibly the rate to the people.

Mr. TAYLOR. Is not this true: There are many cases where they now have private enterprises on private lands that are under no Government royalty at all, and when these water-power people develop under this bill, if they have to pay the Government a royalty and compete with those who have to pay no royalty, that can not be passed on to the people, and they have to take it out of their own pockets?

Secretary LANE. That is true.

Mr. TAYLOR. So that in communities where they have that without royalty, where there is that competition, the effect would be the retarding of the development in that community?

Secretary LANE. No; not any royalty.

Mr. TAYLOR. I mean any appreciable royalty. Of course, a royalty merely for supervision—I mean a royalty that would bring money into the Federal Treasury—would retard development where they would have to compete on equal terms with those who have no royalty to pay.

Secretary LANE. I think the making of a royalty that would be unreasonable would be a burden upon the people, making a royalty that would yield some revenue, which is not the primary purpose of the bill.

This thing ought to be said, perhaps, that we ought to more fully appreciate now, during this war, the necessity of larger electrical development than we have ever had before in connection with chemical industries. We are just beginning to understand what electricity can do and what can be done with very high power electrical establishments. We have never been a chemical Nation. That side of our scientific development has been overlooked.

Germany has been the chemical nation of the world. We now are taking that thing up, and probably there is more interest in chemistry in the United States to-day than there ever has been. We have hundreds of chemists in this city to-day in connection with the Bureau of Mines and Ordnance Department. They have been gathered from all parts of the country. A great many of them are Germans, and many of them have been educated in German institutions, showing how far ahead Germany has been in this particular line of science.

It is quite manifest to me that there has got to be very large electrical development if we are going to have the largest use made of our development along lines of chemistry, and perhaps the best sphere for a young man in the next 25 years will be as an electrochemical engineer in the United States.

These powers ought to be put up not only with the idea of taking care of a plant that is known to be a commercially successful proposition but with the purpose also of experimenting and discovering what can be done. So that I would not say that on such a plant as that any kind of a charge should be made by the Government. We ought to foster that kind of thing.

Form a law in substantial accord with those views and we will have done well. A maximum charge practically nominal will provide an ample fund to pay the expenses required and impose no burden upon consumers. Fix this in the law. It is a legislative power and should not be left to administrative agents.

Senators, the development of our water power would make the United States impregnable in time of war, commercially dominant in time of peace.

Impregnable in time of war through furnishing the energy required for production of explosives and munitions, for operation of railroads, and in a thousand ways in the conduct of hostilities, thus releasing our man power for the Army and Navy.

Commercially dominant in time of peace through furnishing energy for industrial activities—electrical and electrochemical processes, for transportation, for agriculture, and for the innumerable things into which the use of power enters in the daily life of our citizens. Power, electric energy, terrible in its war uses, but a God-given blessing when used to promote the comfort of mankind. The safety, the welfare, the prosperity, and the progress of the Nation demand and require the prompt enactment of water-power laws in which protection of the public interest shall be coordinated with fairness toward capital. Every source of power in the United States, whether from steam or water, is being utilized at the present time to utmost capacity to meet demands for explosives, munitions, and war material of all kinds, and yet there is great shortage of electric energy. Munition factories are closed down for lack of it. Practical men say that if the war continues another year the shortage of power will become a serious handicap to success. Congress has delayed the settlement of this question too long. The hour has struck. It should delay no longer. The House should pass a bill soon. If amendatory of ours, it should be sent to conference and our differences harmonized. Let Congress do its duty and do it promptly.

Mr. President, I have two clippings with reference to this matter that I ask permission to insert as a part of my remarks.

THE VICE PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

[From the Binghamton Press, Apr. 8, 1918.]

DEVELOP WATER POWER IS CHIEF OF BUSINESS MEN—VOTE TAKEN BY UNITED STATES CHAMBER OF COMMERCE SHOWS OVERWHELMING MAJORITY IN FAVOR OF USING NATURAL RESOURCES.

WASHINGTON, April 8.

By sweeping majorities, 500,000 business executives who comprise the membership of the United States Chamber of Commerce have adopted resolutions calling on Congress to make provision for harnessing the millions in water horsepower that now run wild.

The vote was taken through the more than 1,000 commercial organizations throughout the country which compose the national chamber. Forty-five States and Alaska and Hawaii participated in the balloting, representing a wide range of industrial interests and opinions, and reliably indicating to Congress how the business men of the Nation look on the water-power situation. Each voting organization cast from 1 to 10 votes, depending on its membership.

The balloting was based on a series of recommendations contained in the report of the committee on water-power development of the United States Chamber of Commerce. These recommendations were presented in the following order:

1. That Federal legislation encouraging the development of water powers should at once be enacted. Adopted by the almost unanimous vote of 1,324 to 6.
2. That authority to grant permits should be vested in an administrative department. Carried by a vote of 1,258 to 17.
3. That the permit period should be at least 50 years, any shorter period being at the applicant's option. In favor 1,216, opposed 42.
4. That tolls should attach only to use of public lands or benefits derived from head-water improvements. Adopted by vote of 1,191 to 40½.

TO PROTECT PERMITTEES.

5. That permittees should be entitled to acquire the right to use public lands forming only a small and incidental part of the development. Carried by a vote of 1,210 to 25.
6. That recapture should be exercised only upon payment of fair and just compensation. In favor 1,234, opposed 25.
7. That if recapture is not exercised, the investment of the permittee should be adequately protected. Adopted by vote of 1,226 to 26.
8. That rates and service should be regulated by State commissions where the service is interstate, with Federal regulation only where several States are directly concerned and do not agree, or there is no State commission. Carried by a vote of 1,177 to 57.
9. That if any jurisdiction to regulate the issuance of securities is exercised it should be solely by the State. In favor, 1,114; opposed, 117.
10. That no preference should be granted as between applicants amounting to a subsidy from the Government creating unequal competition. Adopted by a vote of 1,191 to 38.

The committee which drew up the report and presented the resolutions was composed as follows:

L. S. Gillette, chairman, engineer and manufacturer, Minneapolis; Harry A. Black, wholesale merchant, Galveston; Rome G. Brown, lawyer, Minneapolis; Henry S. Drinker, president Lehigh University; Frank P. Glass, editor in chief, Birmingham News; E. K. Hall, lawyer, New York City; Horace C. Henry, retired railway contractor, Seattle; Henry L. McCune, lawyer, Kansas City; Samuel V. Stewart, lawyer and banker, Virginia City, Mont.; and governor of Montana; George F. Swain, civil engineer, Boston; and C. F. Weed, lawyer and banker, Boston.

HAD ALL DATA AT HAND.

While the committee's report is in itself favorable to positive legislation to enlarge water-power development, every ballot sent out was accompanied by an argument in the negative which clearly and positively set forth objections to the recommendations so that those voting had at hand data on which to base their judgment for or against.

The report begins by pointing out that it is estimated that the undeveloped water power of the country exceeds the total steam power now in service. The Federal Government controls much of the water power resources of the country.

The report continues:

"One of the first things to be clearly perceived is that water-power developments are not exceedingly profitable undertakings earnestly sought by capital as a means of securing large returns on a small investment; but that, on the contrary, steam power is the superior of water power in almost all respects.

"The initial cost of a steam plant is in general but one-half to one-fifth that of a water-power plant of equal capacity. Moreover, a steam plant can be more easily enlarged from time to time and the initial development of a water-power plant must be a larger proportion of the ultimate development than that of a steam plant. The investor in a water-power plant is therefore burdened from the very start with a heavy fixed charge, the failure to meet which may mean bankruptcy.

"Water power will not be developed unless the conditions are made comparatively favorable. Present demand for the development of such power comes, not from capitalists but from communities, which, on account of the high price and scarcity of fuel, are desirous in their own interest, of inducing capital to make such development."

WILL SAVE OTHER RESOURCES.

There are many collateral advantages resulting from the development of water power which are reaped by the community as a whole rather than by the investor. These advantages are the saving of coal and oil, which are exhaustible natural resources and once used can never be replaced, the saving of railroad equipment needed for their transportation, the saving of labor in coal mines and of railroad labor and labor in distribution.

If the water power now commercially capable of development could be brought into use, the savings to the public in the conservation of fuel and the release of labor and railroad equipment would run into hundreds of millions of dollars annually.

At the present moment the public has been made to realize, as never before, the importance of conserving fuel and labor, and the present emergency accentuates the public need of the formulation of a wise and fair water-power policy by the Federal Government.

In order to secure the adequate development of water power it is essential that the subject should be approached with an attitude of mind which recognizes the necessity of making such developments attractive to capital, rather than with that attitude which assumes that such enterprise should be surrounded with as many restrictions as possible.

The conservation of every other natural resource means restriction in its use, for use means consumption and permanent destruction. Every pound of coal burned is forever withdrawn from use. On the other hand, every horsepower of water power not used is lost, and every horsepower conserved and used saves not only the horsepower, but its equivalent in coal and may incidentally improve navigation.

The task of this committee has been, without going into details, to outline the essentials of a fair contract which shall fully protect the interests of the public, and at the same time shall make water-power projects sufficiently attractive to secure their development.

The committee has drawn up an unanimously present certain recommendations regarding the fundamental points which it considers of the greatest importance in a Federal policy if it is to accomplish the highly beneficial results which the public interests demand.

[From the New York Times, New York, Tuesday, April 9, 1918.]

WATER-POWER LEGISLATION.

Now, when waste is almost a crime, the United States is still wasting an enormous energy, an unusual water power which has been estimated at 50,000,000 to 55,000,000 horsepower. The release of coal which a proper development of only an appreciable part of this stored, wasted potential strength would make possible may be imagined. In transportation and industry the work of this neglected magician might have been fruitful beyond belief.

It is of no use to quarrel now with the estimable and virtuous gentlemen who have acted and got Congress to act on the theory that true conservation consists in letting the national treasures sleep unemployed; that everybody in business, and especially every soulless and godless corporation, is a burglar; and that to make money or allow anybody else to make money out of national resources is the unpardonable sin. For the most part the water power has been locked up as if it were Alaska or a murderous lunatic.

War has brought sense, a spirit of conciliation, a certain moderation even among the most transcendental conservationists. So at last two bills dealing with water power on navigable streams and two more relating to the development of water power on public lands have been incorporated as to their best provisions in a bill prepared by the War, Agriculture, and Interior Departments, covering both the hitherto separately considered sides of Federal treatment of water power, and putting the whole water-power jurisdiction in charge of those three departments, the heads thereof constituting a commission for that purpose.

This bill, favored even by Mr. Gifford Pinchot, has been amended and improved. It should be passed, as Secretary Lane says, "speedily to supply power for the war industries of the Nation during the period of fighting to come."

Mr. COLT. Mr. President, the purpose of this bill is to enable the President to coordinate, adjust, and utilize the various executive agencies of the Government in order to insure the successful prosecution of the war. To accomplish this end the bill confers upon the President the power to redistribute the functions of all executive agencies, bureaus, and commissions. The bill does not confer upon the President any legislative power. He can not create any new function nor can he abolish any existing function. His power is strictly limited to the right of transfer in order to coordinate, adjust, and utilize. I can see no constitutional objection to this bill. It clearly comes within the war powers conferred upon Congress by the Constitution.

That the President at this time should have some power of this nature seems to be universally admitted. To those who maintain that the President already possesses this power and that no additional legislation is necessary, it is a sufficient answer that this question is not free from doubt in the minds of many. To those who maintain that the power granted by this bill is too broad and that the President should specify what changes he wishes to make, it may be said in reply that the very nature of the subject is such that the President can not specify in advance all the changes that may be necessary; and, to my mind, it is impracticable and might prove detrimental to the public interests to oblige the President to come to Congress and ask for legislation in the case of every step he might determine it was wise to take in this reorganization.

There are others who contend that this power should be limited to certain executive agencies, and that especially it should not extend to the Federal Reserve Board, the Federal Trade Commission, and the Interstate Commerce Commission. This objection is based upon the proposition that the President may abuse his power. If this argument is sound, then Congress should at once repeal all the great war powers which it has already vested in the President in order that we might win the war. If the President can not be trusted to exercise the power conferred by this bill in a wise and reasonable way, he can not be trusted to exercise in a wise and reasonable way the other extraordinary powers already given him by Congress, and if this be true, our whole war program will end in failure and dishonor.

I do not share in these forebodings, and I fear no dictatorship or the undermining of our Constitution. I voted for this bill in the committee and I shall vote for it in the Senate, because, above all things, I want to win this war, and because I

not only trust our Commander in Chief but I believe that the only way to win this war is for the people and the Congress to cooperate with him so that we may move against the enemy in an organized, invincible unit. It is only by such a heart-to-heart union that we can successfully meet this world crisis and save from threatened destruction law, liberty, and nationality, upon which rest modern civilization and the future progress of the human race.

Mr. KELLOGG. Mr. President, I desire to discuss two or three phases of this bill; in the first place, what agencies, administrative boards, commissions, and offices are included within the powers conferred or attempted to be conferred upon the President; second, very briefly, the constitutional power to enact the legislation; and, third, what amendments in my opinion, or at least some of them, should be adopted to the bill, for I am in favor of some of the amendments. The first two questions I shall briefly discuss together.

It has been said that the bill includes all of the executive officers, commissions, and boards; that it only includes those having to do with the war powers; that it does not include the Interstate Commerce Commission; that it does include the Interstate Commerce Commission; that the commission's powers are judicial, and therefore they are not included, and by others that they are administrative and executive. I think the matter is very simple.

There are only three general powers of government—one the legislative, one the judicial, and one the executive. In the broad sense every single officer performing any function of the Government except the judicial and the legislative is an executive officer. All the boards and commissions existing under authority of law having to do with the administration or the execution of law, either in an advisory capacity or to officially execute them, are executive officers, commonly known as administrative officers and administrative boards.

It seems to me that that is perfectly clear. I shall discuss very briefly the description of the powers of the Interstate Commerce Commission and the Federal Reserve Board when I come to those particular commissions.

The next question is whether the Congress has the power to provide for the transfer of executive functions or administrative functions—I use the terms interchangeably and to cover the same general powers—from one officer to another or from one board to another, or whether Congress must specifically in each instance provide from and to what boards the powers are to be transferred.

In construing a legislative act that construction will be given which will make it constitutional if it is possible to do so. If a narrow construction is necessary to make the law constitutional that construction will be given it. If a broad and liberal construction is necessary that construction will be given it. So I think that so far as the general powers are concerned, which Senators desire, I believe unanimously, to give the President, those powers necessary to carry on the war, the courts will limit this act to a transfer of those executive and administrative functions which Congress may by a general act authorize.

I shall not refer in detail to the act. There is no doubt that the creation of these executive functions or executive agencies, the granting of their powers or the transfer of their powers from one board to another, is purely and simply a legislative function. The appointment of the official to execute those powers, of course, is obviously an executive function, and Congress can no more appoint a constitutional officer than the Executive can create power in a board or executive officer.

Congress is not limited in its power of transferring an executive function from one board to another by doing it in a single act specifying the particular power. Congress may by a general act transfer or authorize the transfer of all the powers of certain executive boards and administrative boards or officers to other executive boards, administrative boards, or officers. Congress may also provide that this may be done when and as the President deems it for the public interest; in other words, Congress may pass an act which shall go into effect upon the President finding a particular state of facts, or upon the President stating that he believes the public interest requires that act become operative. Congress may pass an act which may be suspended at the will of the President if, in his opinion, it is for the public interest.

From 1798 to the present time the Congress has passed laws authorizing the President, at his will and whenever he will deem it to be for the public interest, to place an embargo upon any or all of the commerce of the country. Congress has the power of placing the embargo, but it delegated to the President the power to determine when that embargo should go into effect or when an embargo should be suspended. The same rule applies to various acts which the Congress has passed the consti-

tutionality of which has been passed upon by the Supreme Court relative to the tariff laws, and those laws are not confined to become effective when the President has determined a particular state of facts and made a proclamation thereof, but when the President should deem it to be for the public interest.

I ask to have inserted at the end of my remarks excerpts from certain authorities to this effect. I will not weary the Senate by a detailed discussion.

If this act is a law general in its scope whereby Congress determines that there may be a transfer of executive functions which is to go into effect when the President files a written order, as provided therein, then it is constitutional. If, on the other hand, the President is himself legislating and solely authorizing the transfer, then it is unconstitutional. I am inclined to the opinion that as to the transfer of certain functions and powers the courts would hold that Congress had legislated authorizing the transfer and the President had put into force the law when he deemed it for the public interest. That construction would render the bill valid; the other would render it invalid.

There is one other suggestion I desire to make as to the constitutionality of this bill.

It was said, I think by the Senator from Georgia [Mr. SMITH] that under Article II, section 2, clause 2 of the Constitution, that it was not within the power of Congress to transfer the duties and obligations of an executive officer who has been confirmed by the Senate to another executive officer.

The constitutional provision is as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Mr. SMITH of Georgia. Mr. President—

Mr. KELLOGG. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I did not express an opinion. I called attention to that clause, and I presented the query as to whether it could be done and as to whether there were not certainly some major officers that must be confirmed, under this provision, by the Senate.

Mr. KELLOGG. I thank the Senator for his correction. I believe that was the position of the Senator.

The Supreme Court held, in a decision which I shall ask to have inserted at the end of my remarks, that Congress might create a board to condemn property in the District of Columbia, authorize the President to appoint three members of the board, and provide that the other two members should consist of a District engineer and an engineer of the War Department, although the appointive power was in the President. The court said:

As, however, the two persons whose eligibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President and confirmed by the Senate, we do not think that because additional duties germane to the offices already held by them were devolved upon them by the act it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

I ask to have a more extended reference to this case inserted at the end of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KELLOGG. I believe that the President may be authorized by Congress to transfer the duties of one officer who has been confirmed by the Senate to another officer who has been confirmed by the Senate, unless those duties are entirely foreign to the officer to whom they are transferred. I think the statement by the junior Senator from Pennsylvania [Mr. KNOX] is correct, that if those transfers from one officer to another officer are transfers of duties entirely foreign to those for which he was confirmed, it would violate the spirit, if not the letter, of the Constitution; and it may well be that under this provision of the Constitution the Congress could not authorize the President to transfer the duties of a major officer who had been confirmed by the Senate to a minor officer who had never been confirmed. But, generally speaking, as to those executive powers having to do with the management and effectiveness of the war, the various bureaus and commissions and officers of the War and Navy Departments and others, I believe it is within the power of Congress to provide for transfer and leave it to the President to say to what particular officer

and to what particular bureau the powers shall be transferred, because when they are transferred those officers do not exercise those powers under the authority of the President. They exercise the powers the Congress has theretofore provided. So that in a general way I believe the powers necessary to the prosecution of the war may under the Constitution be transferred in the general way provided for in this bill. But I do not undertake to say that the President might not attempt to transfer certain powers from one officer to another which would be beyond his constitutional power; but, generally speaking, I believe the powers may be transferred by a general law.

Now I should like to say a few words about the Interstate Commerce Commission and the Federal Reserve Board.

The Interstate Commerce Commission, as correctly stated by the junior Senator from Pennsylvania [Mr. KNOX], came into being over 30 years ago as the result of a demand by the American people to control those great lines of highway which were absolutely necessary to all the commerce and business of the United States. It was found that to leave the entire avenues of commerce, affecting every individual and every business in the country, to the will of the railroad managers was incompatible with the progress and the stability of the commercial institutions of the country. I am not going to stop to enlarge upon the duties of the Interstate Commerce Commission. No commission, no board, no branch of the Government in its executive powers has greater powers than the Interstate Commerce Commission. It has control over the rates of all the billions of commerce moving in this country, the very arteries which keep alive the commercial commonwealth. It has control of rates producing a revenue of over four billions of dollars per annum. Every business pays its tribute to that transportation.

The public is more interested in the relative reasonableness of rates than in the amount of the rate. To be sure, the amount of the rate affects every business, but the competitive conditions of the country make it of the most vital importance that the rates should be relatively reasonable, because Chicago must compete with New York and St. Paul and St. Louis and Kansas City and San Francisco in marketing manufactured and other products; and there has developed in the Interstate Commerce Commission a great body of experts whose business it has been to study the commercial conditions, the rate conditions, the competitive conditions, between different communities, different railroads, different industries, and different parts of the United States. No man could make a general advance or reduction of rates to-day without going to the Interstate Commerce Commission and having that commission investigate and find the relative reasonableness of those rates; for a rate made by an individual not having that knowledge might ruin one industry or one community and build up another.

It is perfectly proper that the President should have, especially while these roads are in the hands of the Government, and especially during this great war emergency, all of the assistance of the various officials and bureaus and experts in the Interstate Commerce Commission, and the assistance of the commission itself; and if we have not given him power to use to the fullest extent the entire machinery of the Interstate Commerce Commission, we ought to do so. As a fair illustration of what is being done, let me call your attention to the railroad bill, wherein we provide:

That the President * * * may avail himself of the advice, assistance, and cooperation of the Interstate Commerce Commission and of the members and employees thereof, and may also call upon any department, commission, or board of the Government for such services as he may deem expedient.

If this is not broad enough—though I think it is—to cover every phase of the assistance that he may require, we ought to make it broad enough. Let me illustrate what he is doing under this very provision.

He has appointed, or the Director General of Railways has appointed, a committee of the Interstate Commerce Commission who are to-day formulating the contracts to be entered into with the individual roads under the guaranty provision of the railroad act, and they are sitting daily and consulting with members of the staff of the Director General of Railways in determining those contracts. This is one illustration.

It is said by the Senator from Arkansas [Mr. KIRBY], the Senator from Delaware [Mr. WOLCOTT], and, I believe, by the acting chairman of the committee [Mr. OVERMAN], who has charge of the bill, that the President is not authorized under this bill to take the powers of the Interstate Commerce Commission and transfer them to the Director General of Railways, because, the Senator from Arkansas and the Senator from Delaware say, the functions of the commission are judicial and not executive or administrative.

I shall not take much time to discuss that question. I have before me a decision of the Supreme Court of the United States—and it has been reaffirmed and cited over and over again—that the duties of the Interstate Commerce Commission are administrative and executive. The two terms mean the same thing. "Administrative" is the more popular term used to designate those boards and bureaus and commissions which administer the details of a great system like this.

The court said in the Reagan case, which I will ask to have inserted at the end of my remarks:

It is doubtless true as a general proposition that the formation of a tariff of charges for the transportation by a common carrier of persons or property is a legislative or administrative rather than a judicial function—

And that it can not be conferred upon the courts.

Why, to be sure, after the commission has fixed a rate or made a regulation, if it is such as to deny the railroads reasonable compensation and confiscate their property within the meaning of the amendment to the Constitution of the United States, the court may enjoin it, and the reasonableness of that particular rate which has been fixed and has gone into effect may then become a judicial question; but there is not a board in Washington, there is not a commission in Washington, that is not an administrative or executive one, that is not both and that does not come within the general designation of this law. I am very glad that that is true, because the Senator from New York [Mr. WADSWORTH] is undoubtedly correct in saying that this bill is confined to the transfer of executive functions. I do not agree with him, however, in his suggestion that an advisory board in the War Department is not an executive or administrative board. Although that advisory board may not itself perform the act, the advice it gives is in pursuance of an executive or administrative power.

Mr. President, there can not be any question that the Interstate Commerce Commission and the Federal Reserve Board come within the terms of the act. As I said to the Senator from Delaware [Mr. WOLCOTT], if they are not within the terms of the act, then of course there can not be any objection to excepting them; at least I can not see any. I do not for a moment believe that the President intends to transfer the duties and functions of the Interstate Commerce Commission. I do not believe it is possible for him to administer the railways without the use and assistance of a trained body of men and their employees, such as the commission represents, which has grown up with 30 years of experience; but I do not believe that relieves us from the responsibility under the law of excepting the commission.

Mr. President, I was a member of the Committee on Interstate Commerce which considered the railroad bill, and for five weeks the committee took testimony, listened to the representatives of commercial organizations and industries from all parts of the country. The testimony of those men, not only engaged in great industries but in the small industries from all parts of the country, urged us to maintain the power of the Interstate Commerce Commission not only in fixing the rates and fares but in establishing the classification of rates, and in all matters pertaining to the regulation of rates, fares, and charges.

The bill was reported to the Senate, thoroughly discussed, and the Congress, against the urgent request of the Director General of Railways, insisted on maintaining the ultimate power of the commission over the question of rates, fares, charges, classifications, regulations, and practices under which the commerce of the country is to be carried on.

I see no reason, I have found no reason in the last two months to change my attitude upon that question. I believe that the work of the commission, while not perfect, has been of inestimable value to the people of this country, because all the commerce and all the business of the country is now in this day of rapid communication dependent to a great extent upon transportation rates and regulations.

I do not believe that any one man, much less the Director of Railways, who is burdened with other duties, could perform this function to the satisfaction of the American people, try as he might. In conceding his devotion to the public service and his great ability, I believe that this body, consisting of a trained and experienced commission, gives the American people confidence that their rights will be respected, and I believe that the commission should be excepted from the extraordinary powers of this bill.

A few words as to the Federal Reserve Board. I believe everyone realizes the importance of our financial system. It is the bulwark of all industry and enterprise. With a sound financial system the business of the country will be prosperous and stable. With an unsound financial system the opposite is the case. History admonishes us that there is no time in the life of nations when it is so important to have a sound finan-

cial basis as in time of war. Napoleon, the greatest military as well as one of the greatest administrative geniuses of the world, found it necessary to carry on the great Napoleonic wars to have a sound financial system, and he abolished the financial system of France at one stroke and established in its stead the Bank of France, carrying on all the Napoleonic wars without borrowing a dollar or leaving a public debt to the nation.

Lloyd-George said the nation that could raise the last million of dollars would win this war. This is not a war of men alone; it is a war of commercial enterprise, financial power, where all must exert their ability, not only in war but in commerce and production, and there has never been a time when it was more important to intrust our finances to an independent board than it is to-day.

The reserve banking system was created to strengthen our banking and financial system. It was made as independent and as strong as Congress could make it. In selecting the Reserve Board the President was required to appoint only one member from any reserve district, giving due regard to the industrial and commercial conditions of the country and geographical considerations. The members of the board were paid a large salary, \$12,000. The appointment covered a period of 10 years, in order that no one administration or no one President could in his term appoint the entire board.

We have created a Finance Corporation, but Congress took pains to see that it had a separate independent board of directors. It certainly is not in the interests of the country that the Reserve Board should loan money to business institutions of the country. They are required to devote their entire time to the banking business, and it is essential that they should be separate from the other industries of the country.

This Federal banking system, I believe it is claimed by the gentlemen on the other side of the Chamber, is one of the most far-reaching and important pieces of legislation ever enacted by the American Congress. In fact, so fervent were many of the orators praising this wonderful piece of legislation, that it was said when the war broke out that although the act was not then in effect the very anticipation of it stilled the troubled waters of the world's finance. If it was important to maintain the Federal Reserve System separate from the other departments of the Government at the beginning of the world war in 1914, it is doubly so now.

I do not believe that the President would merge the Federal Reserve Board with any of the other administrative or executive boards of the country, but the responsibility for creating that financial system was not in the Executive. The responsibility was upon Congress, and the responsibility to-day, as to whether we will preserve it and preserve the Interstate Commerce Commission, or any of the other boards administering the affairs of this country, is upon Congress, and we can not evade it.

I for one am not willing to abolish the function of the Interstate Commerce Commission nor to give anyone the power to do it. I do not believe that that is necessary to carry on the war. I do not believe that it is necessary in the case of the Federal Reserve Board, and I do not believe that I can shirk the responsibility or place it upon anyone else.

Mr. President, as I said before, if properly construed, I believe that in the coordination of the activities of the Government or its executive agencies, boards and bureaus having to do with the war, the bill is a constitutional exercise of legislative power, and I believe that it is necessary and advisable that many of these agencies be consolidated and that the duties of some be transferred elsewhere. The bill certainly is an extraordinary piece of legislation.

I agree with the Senator from Iowa [Mr. CUMMINS] that if we are to win this war the utmost confidence and cooperation between the executive and legislative departments must exist; that the legislative department must be in harmony with the executive department; and that the sympathy, good will, and indomitable spirit of the entire American people must be enlisted. If this war is to be won, we must tell the truth to the American people. It can not be done by painting rosy pictures, without foundation, or by the dreams of optimists. It must be won by first fully realizing the task and then by bringing to that task all the resources, energies, inventive genius, commercial and financial power, and patriotism of the American people. This undoubtedly is a remarkable piece of legislation, and I think it would have been wiser if the President and the executive departments of the Government had been perfectly frank with Congress and given it a general idea, with as much detail as possible, of the objects it desired to accomplish. I realize that all of the details could not probably have been given, but it could easily have been said whether or not it was desired to transfer the duties of the Department of Justice, the Interstate

Commerce Commission, or the Federal Reserve Board, or some of the other boards of the Federal Government. But that course has not been pursued, and I do not think that failure should relieve us of the responsibility of granting the power if there is any reasonable ground to believe that it is necessary or advisable in carrying on the war.

Sir, with the fate of all the democracies of the world hanging in the balance; with the Huns hammering at the gates of Europe; with the issue of the greatest battle of all time yet undecided, I am not going to be too particular or too hesitant in granting all the powers I believe can be administered to advantage in carrying on this war; but I can not believe that it is necessary to grant the power to change many of the civil branches of this Government, which the experience of the law-makers of the people and of time have demonstrated to be useful instruments of government.

APPENDIX.

In the case of *Field v. Clark* (143 U. S., 680) the court had under consideration the validity of a tariff act to secure reciprocal trade with countries producing certain articles. It, in substance, provided that whenever the President should be satisfied that the Government of any country producing certain articles was discriminating against this country, he could, by proclamation, state the facts and suspend the law admitting said articles free of duty, and during such suspension duties should be levied and collected thereon.

The question was whether this was conferring judicial powers upon the President. The court held that it was not. The opinion was written by Mr. Justice Harlan, in the course of which he traced the history of such legislation from 1798 down to the time of the decision.

It is unnecessary to go through these decisions and precedents, but in substance the court held that it was within the power of Congress to confer upon the President the power to put in force a statute or to suspend a statute, at his discretion, when in his opinion the public interest demanded it, levying taxes, creating an embargo on commerce, providing for duties on imports, etc.

One of the first cases was the *brig Aurora*, 7 Cranch 382, involving the validity of the nonintercourse act of March 1, 1809. The act forbade the importation after May 20, 1809, of goods, wares, or merchandise from any port of Great Britain or France, provided that "the President of the United States be, and he hereby is, authorized in case either France or Great Britain shall so revoke or modify her edicts as they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation," after which the trade suspended by that act and the act allowing an embargo could "be renewed with the nation so doing."

It is also held that acts of Congress may be suspended or put in force upon the discretion of the President, when in his judgment it is for the public interest. During the administration of Washington Congress, by an act approved June 4, 1794 (ch. 41), authorized the President, when Congress was not in session, and for a prescribed period—"whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances may require, and to continue or revoke the same whenever he shall think proper." (1 Stat., 372.)

Subsequently, an act approved February 9, 1799, provided: "That at any time after the passing of this act it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interest of the United States, by his order, to remit and discontinue for the time being the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port, or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is, authorized to make proclamation thereof accordingly." (684-685.)

It was made unlawful to import, from November 15, 1806, into Ireland, or any of the colonies or dependents of Great Britain, certain articles. The operation of this act was suspended by a subsequent act of December 19, 1806, until July 1, 1807. The last act contained the following section:

"That the President of the United States be, and he is hereby, authorized further to suspend the operation of the aforesaid act if, in his judgment, the public interest should require it: *Provided*, That such suspension shall not extend beyond the second Monday in December next." (685.)

"By an act concerning discriminating duties of tonnage and impost, approved January 7, 1824, chapter 4, section 4, it was provided that upon satisfactory evidence being given to the President of the United States by the government of any foreign nation that no discriminating duties of tonnage or impost are imposed or levied within the ports of the said nation, upon vessels wholly belonging to citizens of the United States, or upon merchandise, the produce or manufacture thereof, imported in the same, the President is hereby authorized to issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are, and shall be, suspended and discontinued, so far as respects the vessels of the said nation, and the merchandise of its produce or manufacture, imported into the United States in the same; the said suspension to take effect from the time of such notification being given to the President of the United States, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States, and merchandise as aforesaid, thereon laden, shall be continued, and no longer." (686-687.)

Many other acts are referred to in this opinion.

In the case of *Shoemaker v. The United States*, 147 U. S., 282, the Supreme Court had under consideration the validity of an act of Congress creating a park commission for condemnation of land in the District of Columbia. The act provided that certain members should be appointed by the President and confirmed by the Senate and that other members should consist of officers in the service of the United States who had previously been appointed by the President and confirmed by the

Senate. The officers who were to become members of the board who were not to be reappointed were the Chief Engineers of the United States Army and the Engineer Commissioner of the District of Columbia. The court said:

"There are several features that are pointed to as invalidating the act. The first is found in the provision appointing two members of the park commission, and the argument is, that while Congress may create an office, it can not appoint the officer; that the officer can only be appointed by the President with the approval of the Senate and that the act itself defines these park commissioners to be public officers, because it prescribes that three of them are to be civilians, to be nominated by the President and confirmed by the Senate. This, it is said, is equivalent to a declaration by Congress that the three so sent to the Senate are 'officers,' because the Constitution provides only for the nomination of 'officers' to be sent to the Senate for confirmation; and that it hence follows that the other two are likewise 'officers,' whose appointment should have been made by the President and confirmed by the Senate. As, however, the two persons whose eligibility is questioned were at the time of the passage of the act and of their action under it officers of the United States who had heretofore been appointed by the President and confirmed by the Senate, we do not think that, because additional duties, germane to the offices already held by them, were devolved upon them by the act, it was necessary that they should be again appointed by the President and confirmed by the Senate. It can not be doubted, and it has frequently been the case, that Congress may increase the power and duties of an existing office without thereby rendering it necessary that the incumbent should be again nominated and appointed.

"It is true that it may be sometimes difficult to say whether a given duty, devolved by statute upon a named officer, has regard to the civil or military service of the United States. *Wales v. Whitney*, 114 U. S., 564, 569; *Smith v. Whitney*, 116 U. S., 167, 179, 181. But in the present case the duty which the military officers in question were called upon to perform can not fairly be said to have been dissimilar to, or outside of the sphere of, their official duties."

Mr. LODGE. Mr. President—

Mr. KELLOGG. I should like to offer an amendment, if I may. Does the Senator from Massachusetts wish to speak to the general bill?

Mr. LODGE. Yes.

Mr. KELLOGG. If any Senator wishes to speak to the general bill, I will not offer any amendment now.

The VICE PRESIDENT. The Senator from Massachusetts has already addressed himself to the bill.

Mr. LODGE. I am addressing myself to the bill, not to an amendment.

The VICE PRESIDENT. There is no amendment pending.

Mr. LODGE. That is what I understood.

The VICE PRESIDENT. I say the Senator from Massachusetts has addressed himself to the bill.

Mr. LODGE. Yes; I have.

The VICE PRESIDENT. Already.

Mr. LODGE. Already? I was not aware of it.

The VICE PRESIDENT. Not very long, however.

Mr. LODGE. I was not aware of it. I thought I was speaking on an amendment when I spoke before.

The VICE PRESIDENT. The record so shows. There was no amendment pending. The Senator did not speak very long.

Mr. LODGE. I can very easily wait and speak on an amendment; but I thought when I did speak—which was very briefly—that I spoke on an amendment.

The VICE PRESIDENT. The Chair can not keep the record personally. It is kept at the desk.

Mr. LODGE. The clerks at the desk probably know better than I do, but I was not aware of it. I should like to ask, just for curiosity, if it is because I asked the Senator from New York a question that I am debarred from speaking on the bill?

The VICE PRESIDENT. The Chair will have to look up the record.

Mr. KNOX. Mr. President, if I may be permitted to make a statement, I happened to be in the chair at the time. The Senator from New York [Mr. WADSWORTH] was concluding his remarks. I had nodded to him as an indication that his time was about to expire. The Senator from Massachusetts rose and said he would like to ask the Senator from New York a question. The Senator from Massachusetts had observed my action. The Senator from New York said, "My time has expired." The Senator from Massachusetts said, "I will ask the question in my own time."

Mr. LODGE. Then I did take the floor, and I am debarred from speaking on the bill again. I hope, Mr. President, the rule will be enforced with equal severity on every one else.

The VICE PRESIDENT. It will be if the Chair can ascertain when a Senator has spoken.

Mr. McLEAN. Mr. President, I do not take the floor for the purpose of discussing the possibilities under this bill, or what may be done in the event it should become a law. I merely want to call the attention of the Senate to what I believe to be one of the causes for the lamentable situation which now confronts us; and, as it involves a suggestion which probably will meet with the more or less emphatic disapproval of my colleagues, I shall be very brief.

The Senator in charge of the pending measure, the junior Senator from North Carolina [Mr. OVERMAN], has very freely and very frankly stated to the Senate the reasons why he expects the support of his colleagues. The Senate will remember that at the very opening of his remarks he stated most emphatically that the governmental machinery in the executive departments was loose and was shaky; that it lacks lubrication; that it contained a monkey wrench and ran rusty; and later on he stated that it permitted gross duplication of work, with gross attendant extravagance and inefficiency; that it was, on the whole, the most unscientific system in the world.

I want to read the exact language of the Senator from North Carolina, because it seems to me that words more graphic or more accurate could not be found to express the existing situation:

He—

The President—

does not want new laws or any substantive power, but he wants the authority simply to redistribute these functions so that he may coordinate the great machinery of this Government, which is now loose, with a monkey wrench in it, with no lubricating oil, and running rusty.

Mr. President, other Senators from time to time have dropped similar suggestions, but not one of them has dared to intimate that his views were shared by the Chief Executive. All doubt upon that subject is now removed. The Senator from North Carolina speaks with authority. This bill is the President's bill, and we may and must assume that the reasons which the Senator from North Carolina has urged upon the Senate are precisely the reasons which the President urged upon him and which persuaded him to introduce this bill and stand responsible for it before the Senate. It is now admitted by all concerned that the governmental machinery in the executive departments is loose, that it contains at least one monkey wrench, that it lacks lubrication, that it is running rusty, that it permits gross duplication of work, with great attendant extravagance and inefficiency, and that it is, on the whole, the most unscientific system in the world.

Mr. President, this being the admitted situation to-day with regard to the executive machinery of the Government, I tremble when I consider the possible consequences of further delay in removing the obstructions that now block its operations. I tremble when I contemplate the possible consequences that may result because of the time that has been already lost. There is nothing in language that can describe existing conditions in the world to-day. There is nothing in language that can measure the iniquities of the men who are responsible for those conditions. We have been slow to believe that there were great civilized nations who love a lie better than the truth and cruelty better than mercy; but we must believe it, and because this is true, we are facing the probable necessity of sending one, two, three, four, five millions of American boys 3,000 miles across the water to restore the world to peace and justice and sanity.

We may all lack wisdom, but it seems to me that those of us who advocated preparedness three years ago and marched in preparedness parades had a keener insight into the possibilities of the future than those who told us that we were prepared for any emergencies that might happen; that it was our duty to remain neutral in thought as well as in deed; that the war was no concern of ours; and that the only peace to be considered was a peace without victory.

Mr. President, the Chief Executive has been now in office more than five years. During all that time war has been a possibility. During the last three years of that time war with Germany has been a probability, and during the last year it has been a fact. Yet the President through his authorized spokesman, the chairman of the Judiciary Committee, comes to Congress to-day and tells us that his machine for waging war is rusty; that it contains a monkey wrench; that it is loose; that it lacks lubrication and is, on the whole, the most unscientific machine in the world.

It seems to me, Mr. President, it is time that this machine was put in order, and I feel it to be my duty to help in every possible way. I should be glad if the President would permit Congress to assist him. It would be much better if he would take Congress into his confidence to a degree that might be effective and safe in the premises, but he declines to do that.

We are informed by the chairman of the Judiciary Committee that if this machine is put in order at all it must be done by the President, and it is clear to me that it must be done by some one and done at once. If any Member of this body can suggest any other instrumentality that can accomplish this object I shall be glad to listen to him and, if possible, assist, but no Member on this floor has suggested any other instrumentality, for none other exists.

Whatever may be my pride of opinion in this hour, it seems to me it is my duty to subordinate it to the interests of my country. I find no constitutional obstacle in the way of my advocacy of this measure.

Anyone who is at all familiar with the history of this country must know that the single factor which compelled the ratification of the Constitution of the United States by the unwilling States was the necessity of being able to present a united front against the common enemy. If I had to choose between losing the Constitution and saving the flag I would save the flag, but I am driven to no such alternative. The Constitution is just as much a part of the flag as are its stars and stripes, and when I am saving the flag I am saving the Constitution. I do not mean by that that Congress should abdicate its legislative power to the Executive. That is not necessary, and it does not seem to me that it is in any way contemplated in this bill.

I do believe that Congress has full authority to confer upon the Executive a power in the exercise of which he shall have a discretion wide enough to put his war-making machine into working order, and I can conceive of no power that is broad enough to permit and accomplish this that will not be broad enough to permit abuses. I can not cast my vote upon the theory that the President of the United States is going to act unwisely or unpatriotically. If I did I should find myself unable to vote in favor of any of the pending measures, and I think Congress would very soon find itself in a position where it would be unable to act at all.

I know it has been urged, Mr. President, that the Interstate Commerce Commission should not, by implication even, be included within the operation of this law. That argument does not appeal to me. It seems to me that the Interstate Commerce Commission ought to act in harmony with the Director General of Railroads. I listened to the able Senator from Iowa [Mr. CUMMINS], who is the guardian angel of that commission, and a most effective and eloquent one, but I am not guileless enough to believe that that commission will, under existing conditions, decline to do anything that the Director General of Railroads wants it to do or do anything he does not want it to do.

I hold that same opinion with regard to the Federal Reserve Board. I listened to the dire forebodings of the distinguished Senator from Georgia [Mr. SMITH] of the possible disasters that might happen if the functions of that board were disturbed by the Chief Executive, but I call the attention of the Senate to the fact that the President of the United States can beggar the American people now and give the victory to the sword of the Huns if he desires. He has power enough.

I believe that the Federal Reserve Board will act in harmony with the Secretary of the Treasury and the President. I can conceive nothing that would be more fatal than that they should act in discord and conflict, provided they act wisely, and I must assume that they will.

So, Mr. President, I see nothing for myself to do but to vote for this bill and hope that the President of the United States, now that he realizes that his pen, however mighty it may have seemed to be to him and his friends, has utterly failed to secure peace without victory, will take the sword in his right hand and use it. I hope that he will remove the monkey wrenches from the executive machine and put in their places men who by reason of their training and their natural faculties have demonstrated their ability to do things and do them right.

That brings me, Mr. President, to the suggestion which at the opening of my remarks I hinted would be very coolly received by my colleagues. At the same time it seems to me that I am justified in calling it to the attention of the Senate at this time.

On the 18th of June, 1917, I introduced a bill entitled "A bill granting privilege of the floor and right to participate in debate to heads of executive departments and other officers." Had this bill been written into the statute books last summer it is my opinion that the pending bill would have been requested by the President long ago, if at all. While Senators are looking for defects in the pending bill it would seem to be worth while to examine with great care the system that has rendered it necessary and if possible discover the real and primary cause of existing conditions.

What we need is prevention of errors and delays in executive departments in the future; there is little profit in regrets or censure; and if the pending bill is necessary it must be admitted that somebody has lost valuable time. The danger of losing more time must be apparent to everyone, and I think it is our first duty to ascertain how much of this loss is due to individuals, and how much, if any, to the system under which lack of accomplishment in time of stress seems to be the rule rather than the exception. It is my opinion that the fault is not in the machine, but in our failure to keep it in order and use it as the men who made it intended it should be used.

The men who composed the Constitutional Convention and framed that historic instrument, having before their eyes the sorry fate of those who trust in degenerate kings or ignorant majorities, endeavored to establish a Government that would prevent disaster at the hands of either. They gave to the Executive the power to veto an act of Congress, and to each House the power to veto the action of the other House; and they gave to an independent judiciary the power to nullify acts of the legislative branch of the Government unauthorized by the Constitution. Take it altogether our is a governmental machine that will never be improved upon, in my opinion. But it is, nevertheless, a machine that must be intelligently operated if satisfactory results are to be obtained. I can see no reason why the executive and legislative branches should antagonize each other, especially when the Nation is fighting for its life. It would seem to me to be a time when each branch should keep the other informed of its purposes and be quick to welcome good advice and correct errors. There is nothing in the system which forbids intelligent cooperation between those who make and those who execute the laws. There is nothing in the system which forbids an economical expenditure of the people's money or the very wisest possible organization, concentration, development, and exercise of the fighting strength of the Nation. The executive and legislative branches were not rendered independent for the purpose of enabling them to conceal their errors from each other. On the contrary, it was expected that each would serve to hasten wise decisions and restrain ill-considered and hasty action on the part of the other.

We know that the duties of the Executive have greatly increased in recent years. With the phenomenal growth of the Nation in population and wealth and the enormous combinations of capital engaged in interstate commerce demanding regulation and oversight beyond the jurisdiction and powers of the States, the people have been compelled to look to the Federal Government for protection against monopoly and extortion. The Chief Executive, being the one official voted for by all the people, is naturally expected to impress upon Congress the will of the people expressed at the polls. It is the constitutional right of the President to recommend legislation, and he can greatly add to his prestige and popularity if his messages indicate uncompromising hostility toward predatory wealth.

To-day the Chief Executive can command as well as advise; and in a time of national peril like the present, when patriotic men must forget their partisanship, he easily secures autocratic power over the lives and fortunes of the people. But his purposes, however commendable, must be carried into effect by the heads of the executive departments, and they, in turn, must depend upon the wisdom and skill of their subordinates. The President's Cabinet, therefore, a body of men unrecognized by the Constitution, becomes, in time of war, the real and actual sovereign, or combination of sovereigns, to whose administration of the law the people must bow. These men are not elected by the people. They are responsible to the President only. At the present time we have 10 or more separate and distinct executive departments in charge of 10 so-called members of the Cabinet. To this list we must add the Fuel Administrator, the Food Administrator, the Director General of Railroads, the Tariff Commission, the Federal Trade Commission, and many other officers of lesser notoriety but of equal importance. Why should it not be the duty, as well as the privilege, of these men to come before the Congress upon certain days in each week and render an account of their stewardship? Would it not tend to eliminate incompetency, misunderstandings, and antagonisms both in the making and the administration of the laws? Would it not tend to enable the people to put the responsibility for maladministration and mallegislation where it belongs? What reason is there for continuing methods that must drive the executive and legislative departments further and further apart until, in the very necessities of the situation, the one must entirely succumb to the other or force a deadlock?

With the ever-increasing extension of Federal control over the vast and complicated industrial and social interests of the Nation, is it wise that executive officers should be directly responsible to no one but the man who selects them?

The people look to the President in large matters. They elect him and trust him to deal with the great principles in which they are interested; but if their money is squandered or their industries are crippled by unwise and arbitrary regulations instituted by men in subordinate positions, they do not complain to the President. They write to their Representative or Senator and expect him to secure relief. I will not dwell upon the recent unsatisfactory experiences of myself and colleagues in this particular phase of our service, but it is my belief that had it been the duty of the Fuel Administrator to come before

the Senate and announce and defend his purposes and plans for the conservation of coal he would have been less likely to have issued orders in clear violation of the law and more likely to have granted the reasonable request of the Senate to postpone action until his intentions, wise or otherwise, had been intelligently considered and discussed.

Will not the privilege of the floor and the duty to defend an administrative policy before either or both branches of Congress add greatly to the dignity and reputation of a competent executive officer, and will it not necessitate the retirement of an incompetent one? Will it not tend to compel the selection by the President of the ablest men in the country especially trained and fitted for the work in hand? Has not the time gone by when these positions of grave and high responsibility can safely be filled with personal friends or territorially eligible contributors to the campaign fund? Is there any reason why the Secretary of War should be entirely ignorant of military matters? Is there any reason why the Secretary of the Navy should not be a sailor? I do not say this in criticism of the present incumbents. This administration has followed the custom that has been in vogue for years, but when we realize, as we must some day, that this colossal industrial and social corporation, composed of 48 separate political sovereignties, must be run economically and wisely if it is to remain solvent and successful, we shall insist that the business of governing be run on business principles in times of war as well as in times of peace.

Objections to inviting or requiring heads of the executive departments to defend their purposes and plans in the Senate and the House largely center in the fear that the experiment will serve only to add force to Executive programs.

It is asserted that during the past 20 years we have had constant opportunity to observe the ease with which opposition to the legislative plans of the Chief Executive is removed.

It is said, and with some force, that Congress has become a mere sounding board to echo the will of the President. It is said that if Congress sometimes wisely amends laws drawn and presented by department officials, if Congress sometimes succeeds in securing the removal of absurdities and dangerous provisions, and for this service deserves the everlasting gratitude and confidence of the people, it never gets it. On the contrary, if Congress dares to stop a bill long enough to look it over carefully it will be censured rather than praised by the people and the press for its stupid interference with the benign will of the "people's choice." If this is the state of things to-day, how can it be intensified? How can you add to an already irresistible force? Is it not probable that if executive officers are required to defend their plans and purposes before Congress, amendments will be more easily obtained and unwise measures more easily blocked than under a method which tends to remove these officials from all responsibility to Congress?

If we dread and regret the constantly increasing power of the Cabinet and other officials, is it not, after all, our own fault? If we doubt the need and the wisdom of the constant increase in the number of executive departments and bureaus, we must remember that if a mistake is made in this regard it is ours and not the President's. In my opinion, it is not a mistake if these departments are wisely and economically administered. These new executive branches are demanded by the economic necessities of the people. They are as vital to our national growth as are new branches to the growth of a tree. But these departments and bureaus are created by Congress, and they are and should be subject to the will of Congress.

There are more than 500 of us in the Senate and House, and we are commissioned by the American people to see that the executive offices we create are properly administered. Certainly we ought not to be afraid to compel an official whose office can be abolished by us at any moment to come before us and answer questions if he can.

It seems to me that the bill which I introduced last summer is worthy of our careful consideration. It follows the method which the experience of other nations has proved to be of the greatest value and it promises the only safeguard against a continuation of existing conditions that is now in sight. Our executive departments to-day are intrenched behind closed doors, which can be opened only by a resolution of Congress, and then only far enough to allow a congressional committee to inquire into the mistakes that have been made. I repeat, what is needed is prevention of errors rather than their punishment. If we are to perform our mission as the great and good Nation at home and abroad, we must be the wise Nation. We can not rid ourselves of the good or evil that lies in giving the last word to the majority, but we must, if we are wise, invite and welcome and support in every way the right of the minority to test the schemes of the majority and so prevent unintentional but grave mistakes, the bitter consequences of which will be suffered by all.

I have said all I care to say at this time. As far as I have been able to observe, students of the subject, outside of political officialdom, believe the experiment would be wholly beneficial if tried. The latest expression I have noticed is that of President Butler, of Columbia College, and I ask permission to print a brief extract from his address delivered in St. Louis, Mo., on the 16th of February last.

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Without objection, permission to do so will be granted.

The matter referred to is as follows:

The business of national government has become so huge and so complex that the sharp separation of the executive and the legislative powers to which we have been accustomed for 140 years is now distinctly disadvantageous. It brings in its train lack of coherence and of continuity in public policy; it conceals from the people much that they should know; and it prevents effective and quick cooperation between the Congress and the executive departments, both in times of emergency and in the conduct of the ordinary business of government. There is a way to overcome these embarrassments and difficulties without in any way altering the form of our Government or breaking down the wise safeguards which the Constitution contains. That is to provide by law, as may be done very simply, that the members of the Cabinet shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their several departments, under such rules as the Senate and House, respectively, may prescribe. Such an act should further provide that the members of the Cabinet must attend sessions of the Senate and House of Representatives at designated times, in order to give information asked by resolution or to reply to questions which may be propounded to them under the rules of the Senate and the House of Representatives.

Had such a provision been in force during the past generation, the Nation would have been spared many an unhappy and misleading controversy. What has sometimes been made public only after the labor and cost of an elaborate investigation by committees might have been had without delay through the medium of questions put to a Cabinet officer on the floor of the Senate or the House of Representatives. No feature of British parliamentary practice is more useful or contributes more to a public understanding of what the executive is doing than the proceedings at question time in the House of Commons. A Cabinet officer is in a much more dignified position if he is permitted to answer questions as to his official conduct and business on the floor of a legislative body and to make his reply part of the public record than if he is interrogated in a committee room as an incident in some general inquiry. Perhaps no single step would do as much as this to restore public interest in congressional debates, to promote administrative efficiency, and to bring about a just and proper intimacy between the legislative representatives of the people and the people's chief executive agents.

This is not a new question or one unsupported by high authority; but, unfortunately, it had never been pressed to a successful issue. The classic document on the subject is the report of a select committee submitted to the Senate of the United States on February 4, 1881. That report accompanied and discussed a bill containing the provisions just mentioned and also outlined certain rules to be adopted by the Senate and House of Representatives in order to make the provisions of the proposed bill effective. This report was a unanimous one and was signed by Senators belonging to each of the two great political parties. They are men whose names carry great weight. The signatures are those of Senators Pendleton, of Ohio; Allison, of Iowa; Voorhees, of Indiana; Blaine, of Maine; Butler, of South Carolina; Ingalls, of Kansas; Platt, of Connecticut; and Farley, of California.

The bill which those Senators reported 37 years ago should now be revived and enacted. Their report discussed in elaborate detail both the advantages of the proposed measure and the possible objections to it, including those which might be raised on constitutional grounds. That representative committee argued with convincing force that if, by a line of precedents since the organization of the Government, the Congress has established its power to require the heads of departments to report to it directly, and also its power to admit persons to the floor of either House to address it, it would seem to be perfectly clear that the Congress may require the report to be made or the information to be given by the heads of departments on the floor of the Houses, publicly and orally.

Were such a custom to be established an almost certain result would be the selection as heads of the great executive departments of men of large ability and personal force, men able to explain and to defend their policies and measures before the Congress of the United States in the face of the whole country. It would also follow that the Nation's Legislature would be enabled to exercise a more intelligent and a more effective control over the executive departments than is now the case, as well as to render them more intelligent and more effective aid, in the form both of appropriations and of positive law.

Nothing would appear to stand in the way of this most desirable advance except our national political inertia, which always serves as a powerful obstacle to proposed political reforms. At the present moment, when the Nation is making an unprecedented effort and when Congress is providing for loans and for taxes that are colossal in amount, and when new problems of far-reaching importance are constantly arising, it would be an inestimable public advantage were such a relation between the heads of the executive departments and the two Houses of Congress already established and in force.

Mr. SMITH of Georgia. Mr. President, I offer the amendment, which I send to the desk, to come in at the conclusion of section 1 of the bill.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. It is proposed to add, at the end of section 1, page 2, line 19, the following proviso:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Federal Reserve Board.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia.

Mr. LODGE obtained the floor.

Mr. SMITH of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	McKellar	Simmons
Baird	Guion	McLean	Smith, Ariz.
Bankhead	Hale	McNary	Smith, Ga.
Beckham	Harding	Martin	Smith, Md.
Borah	Hardwick	New	Smith, S. C.
Brandeggee	Henderson	Norris	Smoot
Chamberlain	Hitchcock	Nugent	Sterling
Cole	Hollis	Overman	Sutherland
Culberson	Johnson, Cal.	Owen	Swanson
Curtis	Jones, N. Mex.	Page	Thomas
Dillingham	Jones, Wash.	Phelan	Thompson
Fall	Kellogg	Pittman	Tillman
Fletcher	Kirby	Polindexter	Vardaman
France	Knox	Saulsbury	Wadsworth
Frelinghuysen	Leahoot	Shafroth	Walsh
Gallinger	Lewis	Sheppard	Warren
Gerry	Lodge	Sherman	Williams
Gore	McCumber	Shields	Wolcott

Mr. GUION. I desire to announce that my colleague, the senior Senator from Louisiana [Mr. RANDELL], is absent this morning because of illness.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present. The Senator from Massachusetts.

Mr. LODGE. Mr. President, we have heard lately from Senators impatient to pass bills, also from the press, and most recently from the Senator from Connecticut [Mr. McLEAN], of the delays of Congress. The fact is that the people in administrative positions, who have been delaying and who have really made the delays, being in possession of all the channels of publicity and in control of the press associations, find it convenient to lay the blame for their own shortcomings upon Congress. The real truth about Congress has been pretty well given and the facts have been spread upon the records here, but they have not been, and probably will not be, presented to the country in any form by the press.

The last session of Congress passed, I think, a greater amount of important legislation than any Congress which has ever been held in this country, or, I might say, than any great parliamentary body. I will not rehearse the list; it is in the record and we all know it. The same is true of this session. The measures essential for the conduct of the war—that is, the measures without which the executive officers could not operate—of course, were the money measures, and the bills appropriating money, all that was asked—the bills authorizing loans to supply the money—were passed with the greatest possible rapidity. There never has been a moment when any department or any officer, high or low, could say that they had not been furnished with money by Congress. The great bill levying taxes, of course, took time in its consideration. That was inevitable. You can not pass a bill like that with rapidity. It was a bill which necessarily gave rise to many controversies and many difficult questions. We passed, also, many other bills with what seemed to me at the time and to many other Senators undue rapidity, and we are now reaping our reward in being compelled to amend them. The espionage bill was rushed through here. It was thought to be very much delayed; but it was really passed, in my opinion, under great pressure, and we have since had to pass two bills to amend it. We rushed through—this I know, because it came from the Finance Committee—the insurance bill in the closing days of the last session, and we have had to pass one or two more bills since then to amend it; and now, if I am correctly informed, there are many amendments to that act still pending.

Mr. SMOOT. There are three such bills now pending.

Mr. LODGE. There are three such bills now pending, the Senator from Utah informs me. There is no gain in legislating in that way. Bills are prepared for us almost entirely outside of Congress. They come in here from the departments with bills improperly, crudely, and hastily prepared, and if they are not immediately passed the cry goes up that Congress is delaying the war. Delays come through the people who make the bills, and who make them badly.

Even with all the care which was taken in the consideration of the revenue bill, many amendments of it are asked for. If we had not worked under quite such heavy pressure the necessity for some of those amendments would have been avoided.

Here is the housing bill, which my excellent friend from Virginia [Mr. SWANSON], to whom I am much attached, is very impatient about. It is said we must pass it at once; that Congress is holding up all the work. We knew six months ago—indeed, we knew last summer—that the housing was needed; that was perfectly well known; and yet they have been six months getting a bill ready, and then they come in here and raise the cry that Congress is delaying the war because it is taking less days than the departments have months to con-

sider the bill. Indeed, we have already passed one bill appropriating \$50,000,000 for that purpose.

The delays are not here; they never have been here. The only bills which have been debated at length have been bills not concerned directly with men or arms or munitions, but bills concerned with the business of the people of the United States and their daily life. Those are the bills which have taken time; some of them have taken some weeks of debate, and it is very natural that they should have done so. Where our whole business system is being revolutionized and where our homes and everything else are to be taken and our daily life is to be interfered with in every possible way, it is inevitable, and only right, that such bills should receive proper consideration.

But, Mr. President, what I say about it and the pointing out of these facts that can not be denied are useless, because the people who are to blame control the channels of publicity; they have the funds of the Government behind them; and they can give broadcast to the country any impression they please.

I am not going to take such time as I have left to argue the constitutional or legal aspects of this bill. That question has been argued very ably and very fully by some of the most distinguished lawyers of the Senate and by some not so distinguished; but it has been thoroughly argued. I wish to call attention to certain objections which have been made to what seem to me to be reasonable amendments, which offer no sufficient cause for some of the excitement which has been displayed. The President, with his usual felicity of phrase, said in his letter to the chairman of the Judiciary Committee, in referring to what is known as the court-martial bill:

It would put us nearly upon the level of the very people we are fighting and affecting to despise.

Probably it is owing to my own slowness of apprehension, but I am not perfectly clear about "affecting to despise." The American people, as I see them, regard the German system and the Germans with a profound, honest, deep-seated hatred as the enemies of civilization, freedom, and national independence; they regard with absolute loathing the wanton cruelties which have disfigured every German campaign. I do not think they have any affection in their feelings; I do not think they under-rate or despise their opponents; I think they quite realize German efficiency. There may be cases, of course, of persons who have been ardent pacifists or Socialists, who now, for official reasons best known to themselves, think it desirable to "affect" contempt for the Germans; but to me it seems that there is no affection about the feeling of the American people. However, Mr. President, it is not a question of phrases, felicitous as the President's always are. He points out that, whatever we do, we should not adopt measures which are characteristically German, and I agree with him.

The fundamental principle which lies at the bottom of the whole German system, without which it would totter and fall in ruin, is the "right divine of kings to govern wrong," as the old verse has it. The "right divine" of the Hohenzollerns, the autocracy, is the center of their power and the principle on which everything else rests; and I think, Mr. President, that I am entirely at one with the President of the United States, that we do not desire to put ourselves on that level, and particularly we should not wish to set up here, as some people seem to desire, a second-rate autocracy, an imitation of something which could not exist here, and never can exist here, unless we fall the victims of German ambition, and which has fundamentally more resemblance to the autocracy of the Bolsheviks in Russia, which has succeeded the feeble autocracy of the Romanoffs. We must not have that sort of thing.

I do not tremble or shrink about granting powers which are necessary to win the war; I am ready to give them, and to give them in the fullest measure; but I do object in the strongest way to giving powers which have no direct relation to the war, but which have a very large relation to politics and to civil life in peace times.

It is proposed, Mr. President, by this amendment to exempt from the operations of this act the Federal Reserve Board. Of course, the Federal Reserve Board is acting in harmony with the administration, and of course it will continue so to do. Every member of that board is the President's appointee; but when you take that board, which has done admirable work, and the entire system which it controls and put them under this bill, to be shifted and changed in any way that may catch the fancy not of the President but of somebody associated with him; when you give him the power, not to remove the members of the Federal Reserve Board because he has that power in any event, but, as the Senator from Colorado pointed out, the power to change the presidents of the Federal reserve banks and drive from the boards of the Federal reserve banks or the member banks any director whom he does not like; when

you put that power in the hands nominally of the President, but really in the Treasury Department, you run the risk of wrecking the whole of this great system of banks, one of the few engines which we possess that has worked admirably from the beginning of the war and with which we have had no fault to find. That was the feeling we had when we passed the finance corporation bill; the feeling of the Finance Committee was extremely strong to protect in every way the Federal Reserve System; and the Senator from Oklahoma [Mr. OWEN], who is doing me the honor of listening to me, insisted on still further protection for the banking system, and I believe he was right.

It is not a question of what the President may do to that board; it is a question of what some subordinate to whom the power is intrusted may do to it; and it seems to me to be running a most needless peril to put the great Federal Reserve System, the Federal reserve banks, and the national banks in a position where they may be interfered with—not wrecked, but seriously interfered with—by some Treasury official who does not happen to like the way they operate or who wishes to punish some personal enemy. I see no possible reason for keeping the banks within the range of this bill; they are a most important engine of carrying on the war; they are working very well; and they also have an intimate relation to the entire business of the country, both in peace and in war. It seems to me madness to put them in a position where they may be interfered with and seriously damaged, for any damage to the system and to the banks at this time would bring on a panic, which I for one dislike to contemplate.

Now, there is the Interstate Commerce Commission. The question concerning that commission has been very fully argued. I hold a similar view about that, although not quite so strongly.

The Interstate Commerce Commission has been largely shorn of its powers by the railroad bill. The railroads now are practically in the hands of the Government. Leaving the commission out of this bill would not affect the operation of the railroads during the war at all; but the Interstate Commerce Commission affords an opportunity for publicity, as was pointed out by the Senator from Georgia [Mr. SMITH], which I think to be extremely wholesome; also it has in charge the valuation of the railroads. That work has proceeded for some three years; it is a matter on which a great deal of money has been spent, and which, I believe, has been very well done. That work has nothing conceivable to do with the war; it is a work being done under the direction of Congress, by a board established by Congress, to carry out the peculiar powers of Congress under the interstate commerce clause of the Constitution. I think that to take away the valuation of the railroads, half done or a third done, and hand it over to some of the Treasury officials who have never given any particular attention to it, because now they happen to be running the railroads, would be very unfortunate.

There are two other organizations which I think ought to be exempted, which I have not heard suggested here, although I understand the Senator from Utah [Mr. SMOOR] has an amendment about one of them. They are purely congressional organizations. One is the Government Printing Office. The Government Printing Office is one of the establishments of Congress; and the joint committee of the two Houses—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LODGE. I move to strike out the word "authority," in the amendment offered by the Senator from Georgia, and to insert in lieu thereof the word "powers," as a perfecting amendment, and I will speak upon that.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the proviso offered by Mr. SMITH of Georgia it is proposed to strike out the word "authority" and insert the word "powers."

Mr. LODGE. Mr. President, I was speaking of the Government Printing Office. Our joint committee makes all the contracts, and we run it all. I think it is well run. Of course the Public Printer is appointed by the President, which is entirely proper and right. He always has been. But the Government Printing Office has been, and ought to remain, under the control of the Congress of the United States. I think it is better for the Government and better for the country that the printing of the Government should be in the hands of the Government Printing Office under the control of Congress than be committed, for instance, to Mr. Creel, we will say. I say the same thing about the Library of Congress, which bears the name of Congress. I think the Library of Congress ought to be exempted from the operation of this bill, if this bill covers it, as I have no doubt it does.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. VARDAMAN. Does the Senator think that under this bill, if it should pass as it is introduced, the President could control the Printing Office and regulate the printing of the proceedings of Congress and all that?

Mr. LODGE. I have not the slightest doubt of it.

Mr. VARDAMAN. Of course, the Senator does not think he would undertake anything of that kind, does he?

Mr. LODGE. Oh, no, Mr. President. I am going to speak on that point in a moment.

Mr. VARDAMAN. But I want to say to the Senator that if he is not going to exercise that power, there is no reason why it should be incorporated in the bill.

Mr. LODGE. I quite agree with the Senator. I do not believe in the system—I think it is an entirely false system—ever to give in a bill a power that the Congress does not intend to have used and is not ready to see used. I think to put in powers loosely, generally, on the theory that they will not be used, is an entirely wrong theory of legislation.

Mr. President, those are four of the instruments of government which I think it would be well to exempt. But when these suggestions are made, as they have been made by Senators, we are always met with the cry, "Can you not trust the President?"

Mr. President, that is the most empty inquiry and meaningless argument ever made. It is not a question of trusting or distrusting; it is a question of legislating properly. Have we fallen so low as the question of distrusting somebody in framing legislation? Why, the entire Constitution of the United States is based on distrust of human nature when intrusted with power. There are limitations placed on everybody—President, courts, Senate, House. The terms of office of the executive and legislative officers of the Government are limited—even that. The whole theory of a democratic government is that the people intrusted with power should be carefully limited, because the theory of our ancestors—and it is a good theory to-day—was that human nature is too weak to be intrusted with unlimited power, and that when it is intrusted with unlimited power the rights of the people are in danger.

George Washington presided over the convention which framed the Constitution; and everybody knew, as he knew, that if there was a President he would be that President. Did he ever suggest to anybody that the clauses they put in there limiting the President's powers, limiting him in his right to make a treaty, for instance, or appoint an officer, by putting in the confirmation of the Senate should not be put in because to do so manifested a distrust of him? Why, of course not. Washington was a very great man. Such an idea would never have occurred to his mind.

It is not a question of trusting or distrusting. It is not a question of whether the President would do something absurd or whether he would not do something absurd. It is a question of granting powers which ought not to be granted or that it is not necessary to grant. Also, Mr. President, on that question of trusting, it simply proceeds upon what I think is the reasonable doctrine that there is no one mind in this country who is infallible. A man does not acquire infallibility by coming into the Presidency any more than he acquires infallibility by coming into the Senate or the House. Congress may be a help and ought to be a help to the Executive always, and particularly in time of war, and there is nothing but readiness to help in every way upon the part of Congress, but on the other hand it is slavish, it is beyond words slavish, to my mind; it is the attitude of courtiers to contend that the Congress of the United States, elected by the people, holding office by the same title as the President himself, is not entitled respectfully to offer him its advice on a bill which some subordinate in a department has drawn. There is no disrespect to anyone involved and none intended, and it never would have been thought of if it had not been suggested by those who are interested in passing the bill.

Mr. President, I think these things are important, but I think an importance has been attached to this bill and to the amendments which perhaps goes beyond the real scope of the measure. It seems to have been treated as if the one thing were for the President to win in the Senate a personal victory; to show that a committee which suggested bills could not pass its bills, but that he could pass one under another name and in vague general terms doing just the same thing.

Mr. President, if that is a comfort to the President of the United States I for one do not grudge it to him. I am very glad that he should have it, if he finds any sort of satisfaction or pleasure in it. Let me say, however, Mr. President, with all solemnity, that the victories won here or in the House on amendments or in passing bills will be forgotten before another

week closes. The only place to win the victories that will endure is across the seas, where the American armies are.

Let us stop winning victories over each other and over ourselves and devote all our heart and soul and strength to winning victories across the water. My one desire is that those victories should be won. I feel about this as Lincoln did when they came to him in the summer of 1864 and said: "You had better take care; they are talking about Grant. They will nominate him for the Presidency." Lincoln turned on them and said: "If he will take Richmond he may have the Presidency."

The President, if he will only win this war and gather about him men who can win the war, and men who, when they go abroad, command the respect of our allies, may have the Presidency, and everything else he wants for himself, so far as I am concerned.

I would be very glad to add at the end of my remarks, if I may, what Story says about the Executive power under the Constitution, and I would also like to have printed what Mr. Creel remarked about the work of the first session of Congress.

The PRESIDING OFFICER. Without objection, leave will be granted.

The matter referred to is as follows:

SEC. 1512. On the other hand, considering the delicacy and extent of the power it is too much to expect that a free people would confide to a single magistrate, however respectable, the sole authority to act conclusively, as well as exclusively, upon the subject of treaties. In England the power to make treaties is exclusively vested in the Crown. But, however proper it may be in a monarchy, there is no American statesman but must feel that such a prerogative in an American President would be inexpedient and dangerous. It would be inconsistent with that wholesome jealousy which all republics ought to cherish, of all depositaries of power; and which, experience teaches us, is the best security against the abuse of it. The check which acts upon the mind, from the consideration that which is done is but preliminary and requires the assent of other independent minds to give it a legal conclusiveness, is a restraint which awakens caution and compels deliberation. (Story on the Constitution, vol. 2, p. 341.)

[From War Information Series No. 10, Oct., 1917, "First Session of the War Congress," by Charles Mertz, in the "Foreword."]

The Sixty-fifth Congress, now adjourning, deserves the gratitude and appreciation of a people whose will and purpose I believe it has faithfully expressed. One can not examine the record of its action without being impressed by its completeness, its courage, and its full comprehension of a great task. The needs of the Army and the Navy have been met in a way that assures the effectiveness of American arms, and the war-making branch of the Government has been abundantly equipped with the powers that were necessary to make the action of the Nation effective.

I believe that it has also in equal degree, and as far as possible in the face of war, safeguarded the rights of the people and kept in mind the considerations of social justice so often obscured in the hasty readjustment of such a crisis.

It seems to me that the work of this remarkable session has not only been done thoroughly but that it has also been done with the utmost dispatch possible in the circumstances or consistent with a full consideration of the exceedingly critical matters dealt with. Best of all, it has left no doubt as to the spirit and determination of the country, but has affirmed them as loyally and as emphatically as our fine soldiers will affirm them on the firing line.

GEORGE CREEL.

Mr. LEWIS. Mr. President, I wish to fortify a feature of the observations of the Senator from Massachusetts. Some of his conclusions I contest.

Mr. President, I want to make a reference for a moment or two to a matter which seems apart from this bill, but which as I see it is very necessary to be considered at this time to prevent the American public from any longer indulging in false premises from which the citizens are reaching an unjust conclusion.

The Senator from Massachusetts appropriately adverts to the slander of Congress, charging us here with delay in the procedure of legislation, but, Mr. President, as great as is the effect of the wrong because of that false accusation it is small indeed compared to the effect on the public mind that is being created by the charge of delay on the part of the United States in sending soldiers to Europe.

Mr. President, it is time that we speak frankly to the American public, and so far as I can see it the time has come to end the assumption that disclosure of truth will do injury.

Mr. President, if the conditions of this war are such as now indicate that it would have been proper to have sent soldiers very early to Europe, I want my fellow Americans to understand it is no fault of this country that the soldiers were not sent. The country must now know from some one, and I am bold enough for myself—in connection with the speech of the Senator from Massachusetts—to allude to it, to assert it, and I take the responsibility for what I am now going to say.

When war was declared requests came to this Government from representatives of the allies here located in Washington that we do not send troops. The request was that we send supplies. We were besought to withhold certain troops. On

the part of one of the allies was the humane consideration that the men were not prepared and should not be sent abroad to meet a new warfare, the method of which the world had never known—far less the United States experienced—until something had been done which could train them at home and equip them upon our own local field for the adventure to which they must advance.

Then, Mr. President, from another of the representatives of the allies here in Washington was the very free statement that not for one year should the United States send any troops, and the demand, if we can use that word in dealing with subjects of politeness and diplomacy, that we should not send our troops previous to that year on the theory, first, that the allies were able with the forces at hand to command all the situation then before them and for a year—

Mr. McCUMBER. Mr. President—

Mr. LEWIS. Then at the end of that it was assumed we would be in a position, because our men would be then trained and in such a state of preparation as would justify them in being sent to Europe.

I yield at this moment to the Senator from North Dakota. I have but a few moments, as the Senator knows.

Mr. McCUMBER. I simply want to ask the Senator if at the time those suggestions were made Russia did not have in the field at least from three to four million men?

Mr. LEWIS. There is a great deal, Mr. President, to be advanced in support of the position of the Senator and in support of it, that it might have been in the minds of those representatives that from Russia could be obtained sufficient for the time, but, sirs, our country must know that the reason the delay was had was because of these assurances from men who represented the allies, whatever might have been the matter upon which they based their confidence.

Therefore, Mr. President, our countrymen must not be stricken with alarm and our people must not be influenced that some great wrong has transpired on the part of officers, of Congress, or the administration because soldiers have not been hastily sent to Europe and are not now upon the field.

The cry that comes to us to-day from papers quoted from certain official representatives of foreign governments assuming to criticize because we have not hurried must be replied to from this rostrum, if from no other place, that if there has been delay, causing inconvenience or any other result, it was not that initiated by America, but at the specific instance of those called the allies. It may be that at the outset it was stimulated out of a humane consideration that it would require a year for preparation, or, as the Senator from North Dakota intimates, because of their confidence that Russia would furnish sufficient within that year.

Mr. GALLINGER. Mr. President—

Mr. LEWIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I am interested and somewhat surprised at the statement the Senator is making. My memory is fairly good, and I remember that when the representatives of the French Government were here Gen. Joffre stood beside the Vice President and called upon us to send troops, saying that they could be trained in France better than they could in this country.

Mr. LEWIS. Let me reply to the Senator from New Hampshire, calling to his mind exactly what the matter was.

Mr. OVERMAN. I think the Senator from New Hampshire is mistaken about the statement of Gen. Joffre.

Mr. GALLINGER. Gen. Joffre advised that when he was here. It is a matter of record.

Mr. LEWIS. Permit me to assure the Senator I shall give him exactly what happened, and I hope to assure the Senator I am not speaking ex cathedra, I am speaking from information from other sources wholly reliable. Mr. President, I invite the able Senator from New Hampshire and see if he will not agree with me on this. The request made was first to send officers only, on the theory of the effect on the morale and encouragement of their presence. Senators will recall that their presence there seems to have received that reception which they deserved. Then afterwards came a request later following on that we send some soldiers of the Regular Army. After an expiration of time it was discovered that something else should be done, and now the remark of the eminent Senator from Massachusetts becomes appropriate, because it was at this point referred to that the request came to this country to send the soldiers. Then we sent the regular soldiers to the extent we could. But in the meantime the failure to anticipate that they would be needed at once, and the taking up of their preparation for a whole year here at our own home was at the instance of the representatives of the allies. That is what I wish to impress upon the country as replying to my eminent friend.

Mr. LODGE. Mr. President—

Mr. LEWIS. I yield to the Senator from Massachusetts.

Mr. LODGE. I only want to state in this connection what Gen. Joffre said to me personally, and I recall it very well. He said, "Send us all the men you can. I know you have not a large Army. Send us 10,000 men if you can not send any more, but send us all you possibly can. If they are new troops we will train them there, but send the men, because it will have an immense moral effect." I remember the conversation extremely well.

Mr. LEWIS. It may be that Gen. Joffre had some personal conversation with the senior Senator from Massachusetts, but I am able to say, sir, that the viewpoint officially was that which I have expressed, and I take it that what Gen. Joffre said to the Senator from Massachusetts practically was what was the real situation—10,000 men, a small bit, for moral effect. And now to charge from any part of the world that the United States had failed because it assumed to keep men here and train them and equip them before they were sent abroad and intimate that that delay suggests some offense on the part of our country for negligence and incompetence is an unfair accusation.

Mr. LODGE. Mr. President—

Mr. LEWIS. I yield again to the Senator.

Mr. LODGE. I was making no charge of negligence or incompetence, but it was not to send only 10,000, it was to send all you can, just as they offered us transportation last winter to carry men over there. It was refused.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. First, I reply to the Senator from Massachusetts. As to the particular time to which the Senator alludes I do not know; of course I could not contest the fact of the conversation that the Senator claims he had with Joffre, but we do know what the representatives presented, and I insist, sir, that at the particular time they demanded that we should send those we could spare; it referred to those who were then prepared and in a condition to go.

Mr. LODGE. Precisely.

Mr. LEWIS. A small detachment for "moral effect." The other observation to which I allude—that they were prepared—I wish to correct. It was then the third call came. It was for the National Guard, following the call for a part of the Regular Army, that then came the changed position, and for the first time it was asserted that soldiers could be sent abroad and could be trained in Europe.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. I will yield to the Senator, knowing that he will not take more time than he ought.

Mr. SMOOT. The Senator's time is nearly exhausted, and perhaps I had better not ask the question, as it may lead to some discussion.

Mr. LEWIS. Mr. President, in the moment or two remaining I want to address myself doubly to the second amendment offered by the Senator from Massachusetts. I have a right to do that while on my feet.

It is that this bill, if it will be passed hastily, will enable the President of the United States to take such steps as will bring about a compliance with these new demands. I invite the consideration of the Senate now, and my judgment is that we have now reached the point in this war when the navies of the contesting forces must be brought into operation. I am not assuming to tell these forces how to conduct their war, but it is apparent if we can not end the German drive by July 1 and reverse it, as I have said in other places we must do, if we can get the men that we now know are ready to go to the transports from the land, then, sir, it is apparent that the Navy must be brought into operation and this conflict brought to the sea, where the unvanquished and invisible American Navy can effect, in conjunction with those of the allies, that good service and success which our country knows is due us and will be coming surely to us.

But, sir, before we can do it three things must really transpire: First, this measure giving the President an immediate operation to put into effect such instrumentalities as can hastily bring the result. Lastly, I allude to the observations of the Senator from Massachusetts about "trust the President." I advise the Senator from Massachusetts that he is in error when he says that expression was only born here to carry through this measure. It was born by the eminent Republican leaders of the Senate, of which the eminent Senator was wisely and justly one, in the Spanish-American War, when the cry went forth from this body, "Trust McKinley," "Trust the Presi-

dent"; and in all the political campaigns of that day that was the cry. He was trusted. In this case it is only asked that we trust our President to exercise such a discretion as a faithful Commander in Chief under the solemnity of his oath and the privileges of the Constitution would exercise; nothing more.

There is no request to trust him to do things that are questionable, to trust him to do things that are illegal, to trust him to do things that are not warranted by the Constitution, but to trust that the only things he will do will be those warranted by the conditions, called for by the circumstances, and justified by the necessity. It is for that reason, sir, that we should pass the measure to accomplish this object. I shall not occupy the floor longer for that purpose. I merely refute the false impression now prevailing as to the action of our country.

Mr. McCUMBER. Mr. President, I shall vote for this bill, and I shall vote for it either with the proposed amendments or without the proposed amendments. I think it but fair, however, to say that I do not attach the importance to this bill that has been indicated by the long period of time it has been before the Senate and the long and earnest speeches that have been made both for and against its provisions. All of the important powers that are granted in this bill are either powers that are already inherent in the Chief Magistrate or powers that have been granted specially by the Constitution or powers which we, during this last Congress, have especially delegated to the President. When we examine the full scope and extent of those powers we will find that there are few left to be covered by the provisions of this bill.

Mr. President, I think the effect of the bill, so far as its influence on any war measure is concerned, will be very remote, to say the least. In all of the arguments that have been made I have failed utterly to catch any great controlling reason for the passage of the bill itself. On the other hand, I fail to realize any great and impending danger if all the powers contained in the bill should be granted to the President. I must assume that the President of the United States will exercise the authority contained in the provisions of the bill to the extent only that such authority is necessary for the conduct of the war and that he will not interfere with those things which have not the least possible relation to the war. The powers are not so far-reaching as many of those which we have already granted by legislation during the past year.

If, as Commander in Chief of the Army and Navy, the President of the United States thinks that there are any powers which we have not already granted to him which are constitutional, and which are really necessary for the conduct of the war, I am willing to grant those additional powers. The President is in a far better position than am I to determine whether or not conflicting bureaus or duplicating offices are a hindrance rather than an assistance to him in his efforts in the prosecution of the war. I am willing to defer to his judgment along that line; but, Mr. President, I shall exercise my judgment as to voting for some of these amendments.

I can not conceive of any possibility of the President interfering with the Interstate Commerce Commission. I can not see how he can possibly say that interference with that commission can by any possibility assist in the prosecution of the war. I can not see how he can dispense with the services of this most important commission in the great problems of transportation, which will press upon the administration for solution during the period he will exercise the authority which we have conferred upon him to operate all the railways of the country; but as there are many Senators and others who feel that there is some danger in granting the power in the broad terms of the bill, to ease their fears I am perfectly willing to vote with them to amend the bill excepting the Interstate Commerce Commission from the operation of this proposed legislation.

What I now say in reference to the Interstate Commerce Commission can be said with equal or greater force with reference to our banking institution as it now exists.

There has been another suggestion made, and that is in reference to our Government Printing Office. I am perfectly willing to vote to exclude that from the operation of the proposed law; not that I am fearful that the President will interfere with it, for I can not conceive of a case that would justify him in any interference with the Government Printing Office, which is purely and simply a creature of Congress for the purpose of carrying out the functions of the legislative department of the Government, any more than he would be justified in interfering with a joint committee of Congress or a committee of either one of the two Houses. So, Mr. President, I should be willing to vote also for an amendment excluding that establishment, and possibly for other amendments which might be offered.

I repeat, I can not regard this bill as of the same degree of importance as do many Senators in this body. I am not fearful

of the authority that will be exercised under it; but as the President seems to think that he needs the additional authority, as he seems to believe that he can better carry this war to a successful issue if the bill be passed, I am willing to grant the power to him, so that, at least, I shall not be criticized and shall not allow Congress to be criticized by reason of my vote in not supporting the President in everything that he or Congress can possibly deem necessary for the successful prosecution of the war.

The PRESIDING OFFICER (Mr. McKellar in the chair). The pending question is on the amendment to the amendment offered by the Senator from Massachusetts [Mr. Lodge].

Mr. SMITH of Georgia. I understood the amendment to the amendment had been withdrawn by the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair is informed that the amendment to the amendment has not been withdrawn.

Mr. SMITH of Georgia. Mr. President, I desire to speak to the amendment.

The bill as drawn authorizes any President during the war, or for 12 months after the war closes, to transfer all the duties and authority of the Federal Reserve Board to any other board or to any officer in the Government. All the duties of the Federal Reserve Board could be transferred to an auditor in either of the departments, simply to illustrate the effect of the bill. Our banking and currency system leans on the Federal Reserve Board to a great extent. I wish to refresh the memory of Senators by calling attention to the duties of the Federal Reserve Board.

We have 12 reserve banks, each situated in a reserve district. We have required all of the national banks to subscribe to the stock of the respective Federal reserve banks, and we transfer the reserves of those member banks to the Federal reserve banks. We permit other banks and trust companies to come into the reserve system by taking stock in the reserve banks and being subject to the same rules in their relations to them which national banks bear. The Federal reserve banks not only discount the paper of the member banks but they may also issue Federal reserve notes, like the national bank notes or other paper currency which is used by the public, not speaking technically, but in language that is generally understood, as money, as currency, for the transaction of business. So these 12 Federal reserve banks are organized to enlarge the currency as business needs it, and are expected to contract it as it is no longer needed. They not only furnish enlarged credits to their member banks which they in turn furnish to the public, but they enlarge the currency to meet the needs of situations as they develop. Their importance to our banking and currency conditions must be apparent.

The Federal Reserve Board controls these 12 banks. The banking and currency act expressly declares that they shall exercise general supervision over the 12 Federal reserve banks; that is to say, that the Federal Reserve Board shall exercise general control over them.

Going further, the act provides that the Federal Reserve Board may remove all the directors and officers of any of the Federal reserve banks. They can take charge of the business of any one of the reserve banks. Under the statute they can put any one of them in liquidation without going into the courthouse; they can conduct the business or wind up the business of a reserve bank. By rates of interest they can control the issue of Federal reserve notes. Going further, they can by a vote of five out of seven compel any one reserve bank to rediscount the notes of any other reserve bank. The Federal Reserve Board have entire supervision and control of the 12 reserve banks. They therefore control the enlargement of currency; they control the contraction of currency; they control the enlargement of credits; they control the contraction of credits.

We realized the importance of this board when we passed the statute; we realized that it stood in a class all by itself; and we fixed certain requirements which must be met in men who are nominated by the President for positions on that board. We said that no man could be nominated who was an officer of any bank or who held stock in any bank. We said that two of the board must be men skilled in finance and banking; we said that the President must not take more than one from any reserve district; that in selecting them he should do so with regard to the representations of the different commercial, industrial, and geographical conditions. We went further and said that any one of the men so serving could not hold an office or have a business connection with any bank affiliated with the Federal Reserve System for two years after he ceased to be a member of the Federal Reserve Board. We also provided that the President for cause could remove either of them.

Why did we throw these safeguards around the men who were to carry this great trust? We gave them office for 10 years each; we put them in a class to themselves and required conduct different from that of other officers. Why? Because we placed a responsibility on them under the law that we thought could only be met fully by such requirements. We even went further: Recognizing our responsibility as a Senate, we provided that if the President made an appointment in recess, that appointment could only last for 30 days after Congress met. We were unwilling to leave an appointee of the President in office more than 30 days after the Senate met unless the Senate approved the appointment.

Then we realized our part of the responsibility, and we were willing to bear it. Now, it is proposed to permit any President—President Wilson, if he remains President, or, if the war lasts that long, the President who comes after him, or, if a casualty should come to him before the end of his term, his successor—to transfer these extraordinary powers, involving the banking and commercial life of this country, to anybody he sees fit, without limitation or without qualification. Under this bill the vast and important powers of the Federal Reserve Board may be transferred to an auditor in the Treasury Department.

I should like to know what Senator wishes these powers transferred to any other officer of the Government, and to what officer? I do not believe the Senator from North Carolina wishes them transferred from the place where they are now reposed. If he does not, why does he insist upon keeping the power in the bill? I can not conceive of President Wilson making the transfer, but I do not know who may have charge of the White House before this war is over, and I feel that I would be abandoning my duty as a Senator if I agreed that anyone under any circumstances should have such a power. It is a dangerous power; it is an unwise power; it is an unnecessary power. The Senator from North Carolina ought to accept the amendment. He knows he does not wish any such power exercised.

Talk about delaying this bill! If this amendment and one exempting the Interstate Commerce Commission had been agreed to shortly after the bill had been introduced, it would have passed two months ago. The sponsors for the bill must not have thought it was very important to secure the other powers. Otherwise they would have stopped opposition by agreeing to except from its provisions the Federal Reserve Board and the Interstate Commerce Commission.

Mr. President, I do not desire to detain the Senate, and I will not do so. I simply urge upon Senators that this amendment ought to be adopted; that it is not right to place in doubt the Federal Reserve Board, with its vast responsibilities to the commerce, to the industries, and to the banking of the country.

Mr. OVERMAN. Mr. President, I should not have said anything but for the fact that the Senator from Georgia [Mr. Smith] referred to me. I desire to say that this bill does not give any power to the President directly to do some of the things which it has been charged could be done under it. There is nothing said about the Federal Reserve Board or about the Interstate Commerce Commission. The Senator says that, if he were President, he would not transfer any of the functions of the Federal Reserve Board to any other organization; neither would any other Senator upon this floor, and neither would the President of the United States; and I am here to tell you Senators that the President has no idea of interfering in any way whatever with the Federal Reserve Board.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. OVERMAN. I have not the time to yield to the Senator. However, I will do so, if he desires.

Mr. REED. If that is the case, if the Senator is perfectly certain of what he says, why does he not accept the amendment offered by the Senator from Georgia?

Mr. OVERMAN. I am going, if the Senator will take his seat, to explain that question.

Mr. REED. I will take it.

Mr. OVERMAN. I did not mean any disrespect to the Senator, but I have only 20 minutes and I wish to conclude what I have to say.

Mr. President, the President of the United States, even if he has the power under this bill to interfere with the Federal Reserve Board, could not exercise that power under his oath of office unless he did so in the interest of the national security and defense; he could not exercise it unless, in his opinion, it was necessary for the successful prosecution of the war; he could not exercise it unless it were for the support and maintenance of the Army and the Navy. The Senator from Iowa [Mr. Cummins] said, if it were necessary in order to save this coun-

try, he would be willing for the President to exercise such power, and so would everybody else; but, I repeat, the President will not exercise it, and I tell you he is not going to exercise it, unless it is absolutely necessary; and he can not exercise it, under his oath of office, with the limitations provided in the bill unless he is a dishonest man.

There is a limitation provided in the bill that such powers shall be exercised only in the interest of the national defense; there is another provision limiting its exercise to those things which are necessary in the successful prosecution of the war and for the support and maintenance of the Army and the Navy; and then there is a general sweeping clause, which reads:

Provided further, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war.

It seems to me that Senators have assumed a "holier than thou" attitude. The Senator from Georgia would not exercise the power which it has been charged would be exercised; I would not exercise it; and why do Senators think the President would exercise it? That is the reason, I will say to my esteemed friend from Missouri [Mr. REED], why I will not accept this amendment, because it is an express statement that we are afraid to trust the power to the President; it is an express intimation that we fear he will do that which no one of the 96 Senators who constitute this body would do. The argument seems to be, "We fear the President might do it, and therefore we will adopt such an amendment." That is the reason why I will not accept any such amendment, for I believe in my heart it would humiliate the President. I do not charge, however, that that is the intention of the author of the amendment. Put yourselves in the President's place. If you were in his place would you stand here and argue for the amendment?

Mr. SMITH of Georgia. Not necessarily; but if I were in his place, I would ask Congress to remove such a provision from this bill.

Mr. OVERMAN. If the Senator were President, knowing him as I do, I think he would come to Congress and ask for this general power. If the general power is right, vote for the bill without limitations; if it is wrong, vote, like men, against it.

Mr. SMITH of Georgia. No; I would perfect it, if the Senator will allow me.

Mr. OVERMAN. I say there is too much of a "holier than thou" attitude on the part of Senators; there have been many things said that ought not to have been said upon this floor—some cheap talk and criticism that I am glad to see has been eliminated from the Record by Senators who uttered it. Some indirect, unjust intimations have been made that the President ought not to be trusted. You may criticize the President as much as you please, but it will do no more harm than a grape-shot against a great battleship.

Last night I attended one of the greatest meetings that I have ever seen in Washington, except Billy Sunday's meetings—and it was in the Billy Sunday Tabernacle. Incidentally some speaker referred to this bill and the power given to the President and expressed the hope that it would pass. I never saw such an ovation in my life as I saw then in that great tabernacle. So, whatever you say about the President of the United States, or however you may play politics and try to throw dust in the eyes of the people of this country, in their hearts they trust him, although some Senators may not trust him.

My distinguished friend from Pennsylvania [Mr. KNOX]—and I love him; we have served together in the Senate; I served here when he was Secretary of State and also when he was Attorney General; and I admire his great ability—and I had a little colloquy a day or two ago from which I read the following from the Record:

Mr. President, I had difficulty in reaching a conclusion about this measure; but at last a thought came to my mind which clarified my duty, which made it perfectly easy for me to answer the question: "Shall I vote yea or nay upon this measure?" and I ask each Senator to put this question to himself: Should you vote for this bill unless you would be willing to vote specifically for anything that is possible under the bill? For instance, if you believe that under the provisions of this bill the powers of the Federal Reserve Board could be transferred to a minor official of the United States Government, or the Federal reserve banks could be merged in any insignificant national bank of the country, and that bill stood alone, would you vote for that bill? If you would not, you should not vote for a bill that includes that power. If a bill was proposed to transfer the functions of the Interstate Commerce Commission to an inferior officer of the Government, would you vote for that bill if it stood alone? If you would not, you should not vote for this bill.

Mr. OVERMAN. Mr. President—
The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Pennsylvania yield to the Senator from North Carolina?

Mr. KNOX. I yield.
Mr. OVERMAN. I take it, from what the Senator from Pennsylvania has said, that he would not vote for such a bill as he has described.

Mr. KNOX. I certainly would not.
Mr. OVERMAN. Does the Senator from Pennsylvania assume to himself more honesty, more statesmanship, and a higher sense of duty than are possessed by the great Executive head of this Government?

Mr. KNOX. Mr. President, I am glad to answer that question. I challenge the Senator from North Carolina to recall from his memory or to search to-morrow morning the record of what I have said this afternoon, or to go over anything that I have said heretofore on the floor of the Senate since the declaration of war from which he can draw any conclusion that I have assumed anything upon my own part. I am stating, sir, what I started out to state; I am giving the reasons why I am going to vote against this bill.

Mr. OVERMAN. That is the question I want to put to the Senator. He says he would not vote for such a bill as that which he has described, nor would any other Senator vote for such a bill. Then the Senator is bound, under the same reasoning, to say that under this bill the President of the United States, acting for the people of this country, with statesmanship and ability and honesty, would not transfer the authority in the manner which the Senator has suggested. Is not that a just conclusion from what the Senator says?

Mr. KNOX. Mr. President, I am arguing that we ought not to vote for a bill that gives the President such authority unless we would vote specifically for a measure that gave him that authority, and nothing else.

Mr. OVERMAN. And I intend to vote for this measure on the assumption that the President would exercise the powers conferred with the same honesty and the same ability as would the Senator from Pennsylvania, and therefore would not attempt to interfere with the Federal Reserve Board.

Mr. President, the Senator ought to have gone one step further. With all due respect to him, when he asked himself the question whether he should vote for this bill, he ought also, if he desired to be impartial, to have asked the other question, Would the President of the United States do that which I would not do, having been elevated to this high office by the people of the United States—transfer the power, which it is alleged he can transfer under the provisions of this bill, when, as the Senator from Pennsylvania says, he would not vote, and no other Senator would vote, such transfer? Would the President—not only President Wilson, but any President—transfer that power when his power under this bill is limited to those objects which have in mind the national defense, when his power is limited to acting in matters relating to the conduct of the war? Is not the President not to be accredited with the same patriotism, the same ability, the same honesty of purpose as I?

Mr. President, I repeat that if this general power is right, let us give it to the President without any amendment; but if it is wrong, let us vote against it.

Mr. REED. Mr. President, first of all I want to apologize to the very distinguished Senator who has charge of this bill for having even ventured to interrupt the flow of his sublime eloquence by a question. It was a perfectly proper rebuke which he administered when he told me, with that politeness which always characterizes him, to sit down. The truth is, I have not been able to keep up with the rapid march of events, or quite to appreciate the altitudes to which the distinguished Senator has climbed since he came to be in charge of this legislation. But speaking from the depths of my humility, and in my own time, and having thus sufficiently, I trust, apologized, I am going to venture one or two suggestions.

The Senator always makes an argument that is unanswerable, because he proceeds first by filing a general denial of any intent or purpose on the part of the President or on the part of any other officer ever to exercise the powers conferred in the bill, and having given us that assurance of absolute and perfect safety he proceeds to clinch the argument by saying that, of course, if it is necessary in order to whip the Germans, then the thing may be done, and that we are justified in doing anything, even to the destruction of our form of government, in order to whip the Germans.

Now, either this bill confers powers or it does not confer powers, and either those powers are necessary or they are unnecessary. That the bill confers the powers no one will debate. The question as to whether the powers are necessary or unnecessary ought to be answered according to the logic of the situation; and we can not answer in that logical manner by merely growing red in the face and speaking with a tremulous voice or in a loud tone. The moment any Senator stands upon this floor defending these powers and at the same time asserting that these powers will never be utilized, he asserts that they are not necessary. When a man has asserted that a power is not necessary and that it will never be utilized, he has asserted that the power should never be granted.

Of course, that does not appeal to the Senator in charge of the bill. But the Senator has another answer. He states that the President can not exercise this authority unless he does it in matters relating to the conduct of the present war, and that whatever is necessary to the conduct of the present war must, of course, be granted. He speaks several times in his remarks about the language that "the authority by this act granted shall be exercised only in matters relating to the conduct of the present war." I call the Senator's attention to the fact that he opposed that amendment in the committee, that he voted against that amendment in the committee, that he did everything he

could to keep that amendment out of the bill in the committee. He wanted the powers to be granted without even that limitation.

Mr. OVERMAN. Mr. President, the Senator ought to be fair and state why. I do not think I did, but if the Senator says I did, I did. I said that the words "during the present war" were in the first paragraph of the bill as it came to the committee.

Mr. REED. I am not speaking of that. I am speaking of the words of limitation that the Senator appealed to, and that were offered as an amendment by the Senator from Delaware [Mr. Wolcott] and were barely adopted. The Senator from Delaware voted for his own amendment, and I think one other Senator, and that is the way this clause comes to be in the bill. That, however, is not very material. I desire especially to reply to certain observations made by the Senator, not only in the last few moments but a score of times during the progress of the debate, that those who opposed this bill are playing politics, and he has used the term "playing cheap politics," and he has used the term that they are professing to be "holier than thou art." Now, when the Senator gets his throat full of adjectives and his head full of blood he sometimes says things that out of the goodness of his heart and the generosity of his spirit he does not really mean; but he did use those terms, and he has used them repeatedly.

The Senator will not dispute the fact that a few weeks ago he was one of those Senators who said they were opposed to granting more power. The Senator will not dispute the fact that he himself was the author of the resolution which struck out of the pending bill the words "and empowered," in the ninth line on the first page, and inserted the word "authorized." The Senator at that time was not in favor of granting more power, and said he would not grant any more power, but that he would grant authority; and for about two days we debated the question whether there was any difference between authority and power.

Now, that is all right. The Senator had a right to change his mind. Wise men do change their minds, and no man is to be at all lampooned because he changes his mind; but when he changes his mind he ought not to charge everybody with playing politics who did not have quite so acrobatic a character of intellect. He ought to concede that those who remain steadfast to the views they entertained are entitled to the same kindly judgment that he would have expected for himself had he on that particular point continued to maintain his intellectual stability.

Mr. President, I believe that I have the right to appeal to even the author of this bill, to its sponsor, and to the Senate in behalf of the particular amendment now before us. I was a member of the Banking and Currency Committee, to which was referred the bill that created the Federal Reserve Banking System. It came to us in a somewhat crude form and there were some members of the committee who insisted upon having hearings, studying the bill, letting the voice of the country be heard, and amending, where necessary, the bill. I was one of the members who made that insistence. I remember at that time how the press of the country abused every man who so stood for investigation, and how in the Senate they were unpopular, and how in their own States they were criticized and abused, and how, finally, a Democratic caucus was called to force these recalcitrant Democrats to yield their point of view. I also remember that the Democratic caucus was finally adjourned because there were some pretty plain statements made in it. I remember how we continued day after day to consider the bill and to amend it until over 500 amendments had been made, and when at last it was adopted, having been amended 514 times over the protest of a number of very distinguished gentlemen in the Senate and out of it, it was pronounced the greatest piece of constructive legislation of this century.

Mr. President, I have no more hesitancy in standing here today for a thing that I believe is right than I had then, and I shall no more be intimidated by loud-mouthed bayings, either in the Senate or out of the Senate, about "playing politics" than I was intimidated then. Whenever the time comes that I can not stand at my place in this Chamber and voice my honest sentiments I shall give place to some one whose views may be more popular or whose opinions may be more easily changed to conform to the tides of opinion that may be running at that particular moment.

This is what I have to say to the Senate in regard to this particular amendment: When the banking bill reached the Senate the power to control the currency of our country, to control the credits of this great land, was practically concentrated in the banks. It was believed that a few great banks could control the volume of our currency by dominating this system. I was one of the eight members of that committee who insisted, in season and out of season, by day and by night, that the power of control should be vested in the Federal Reserve Board, and not in the banks; that the Federal Reserve Board should be

made supreme, because if the power to control our credits had to be put somewhere, I wanted it put in a board that would be nominated by the President of the United States and confirmed by the Senate of the United States, so that the people, through this board thus appointed, would control the financial destiny of their own country. Those amendments went into the bill over great opposition, and are found in the law to-day.

Mr. President, it was stated at that time that this board was to be created so that it would be independent of any President; independent of any particular man at any particular time. The board was to be composed of men who were to be appointed at different periods of time. It was carefully arranged so that there should always be upon the board old members, unless they were removed for cause, who would hold over from one presidential term to another. That was deemed wise and prudent, and it was wise and prudent. It was also provided that these men must be confirmed by the Senate of the United States, and if any one of them was ousted his successor in like manner must be confirmed by the Senate of the United States.

Mr. SMITH of Georgia. And the appointments must be sent in within 30 days after the Senate met.

Mr. REED. Yes; and an additional clause was put in, as the Senator from Georgia states, requiring that these names should be sent to the Senate within 30 days after the Senate should meet, a clause that you do not find with reference to any other board or tribunal that has been created by the Congress.

Now, Mr. President, what is the proposition if this amendment be defeated? It means that you propose to confer upon the President—not Woodrow Wilson, but whoever may be President during the course of this war, which may last for months and which may last for years—the right to do what? To confer all of the powers possessed by the Federal Reserve Board as a whole upon any one member of the board; aye, more, to confer all of the powers possessed by the entire board upon any officer of the Government. They can be conferred the day after this bill is passed upon an officer who has never been confirmed by the Senate, whose name has never been sent to us. Moreover, if the bill be passed to-day, the board can be filled up to-morrow by men who have never been confirmed by the Senate by the simple process of transferring into the positions held by members of the Federal Reserve Board men who will perform the functions which those members of the board now possess, although the men who are to perform those functions hold offices that do not require confirmation. Let the Senate understand now that they are striking down the checks and safeguards that they placed around the Federal Reserve Board. It is no answer to say that these powers will never be exercised, and hence they should be granted, for if they will never be exercised, then they should never be granted. It is mere nonsense to say that a power ought to be granted because it is never going to be exercised.

Mr. President, if you pass this bill without amendment, I say to you that there need never be another name sent to the Senate for confirmation in the executive or administrative department of this Government, because by the simple process of naming a man for an office which does not require confirmation and then transferring to him the functions and powers and duties of an office that does require confirmation the necessity of ever sending a name here for confirmation is obviated.

No one opposes this bill for the narrow reason that he seeks to hamper the President of the United States. Speaking for myself, I do not oppose it because I doubt the wisdom or the patriotism of the present occupant of the White House. I oppose it for the greater reason that it undermines the fundamentals of our governmental structure.

When the people ordained the Constitution they created a system of checks and balances. It was not to be a government of one mind, but a government in the operation of which many minds were to cooperate. When the Continental Congress began the creation of the statutory machinery of government the same principles were adhered to. From that day to this we have distributed power; not to one judge but to many judges; not to one man constituting a department but to several men. To this end we have created the Interstate Commerce Commission, the Federal Reserve Board, the Farm Loan Board, the Shipping Board, the Federal Trade Commission, and many other boards and tribunals; not because we doubted the wisdom of the President, but because it is recognized a great Government must act through numerous agencies, and that a concert of opinion is essential in any Government based upon the will of the people. It is the very life of democracy. It is one great principle which distinguishes a democracy from an autocracy—the rule of the people over the rule of a despot.

This, therefore, is not a question of individuals. The proposition involved is a system of government. If we are to maintain

the old traditions, if we are to hand down unimpaired those ideals of government that came to us from our fathers, we must reject, or at least greatly amend, this bill.

Always remember that if this emergency is made the occasion for breaking down constitutional safeguards or for disregarding principles upon which our Government is grounded, that a precedent will be established which in evil days may be applied for evil purposes. To-day we declare that the emergency of a great war makes it necessary to do an unprecedented thing; thereupon we act, although the reason is not made manifest by those who demand that action be taken. But when this war is over and the turmoil and economic disturbances inevitable shall come upon us, who will say that other men will not employ this precedent and declare that another emergency exists before which all principles of government must give way?

It is very easy to destroy all principles; it is very hard to re-establish them.

While I am willing to concentrate in the Executive every power necessary to carry on this war, I do protest against striking down all that code of laws that has been created for a hundred years—striking down those checks and safeguards that have been set up as the century has run its course—and in one fell swoop, and without any reason whatever being assigned, consigning all of the safeguards of the past to oblivion.

The PRESIDING OFFICER (Mr. Wolcott in the chair). The time of the Senator from Missouri has expired.

Mr. OVERMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Martin	Smith, Ga.
Baird	Harding	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Borah	Henderson	New	Smoot
Brandegee	Hitchcock	Norris	Sterling
Colt	Hollis	Nugent	Swanson
Culberson	Johnson, Cal.	Overman	Thomas
Cummins	Jones, Wash.	Page	Thompson
Curtis	Kellogg	Phelan	Townsend
Dillingham	King	Pittman	Trammell
Fall	Kirby	Polindexter	Underwood
Fletcher	Knox	Reed	Vardaman
France	Lenroot	Saulsbury	Wadsworth
Frelinghuysen	Lewis	Shafroth	Walsh
Gallinger	McCumber	Sheppard	Warren
Gore	McKellar	Sherman	Watson
Gronna	McLean	Shields	Williams
Guion	McNary	Smith, Ariz.	Wolcott

Mr. LEWIS. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Rhode Island [Mr. GERRY], the Senator from New Mexico [Mr. JONES], and the Senator from North Carolina [Mr. SIMMONS] are detained on official business.

The PRESIDING OFFICER. Seventy-two Senators have answered to their names. A quorum is present.

Mr. THOMAS. Mr. President, I have observed with some regret, during the course of the discussion, a tendency to be unduly impatient of opposition to the bill as reported from the committee. Not alone in this body but outside of it a disposition to question the motives and to challenge the good faith and loyalty of all who advocate amendments which are designed to eliminate from or add to the substance of the bill.

Mr. President, if the Senate possesses any function prominent above all others, it is the need for careful and close consideration of bills proposing new legislation; and unless we exercise that function to the best of our ability we may not only prove unequal to the trust imposed upon us but our inaction may be productive of evil consequences to the people whose servants we are.

Mr. President, I am a supporter of this administration—a hearty, unqualified, uncompromising, and persistent supporter. I was an advocate of the policies of the President of the United States before he was elected to that high position, and one of the first to espouse his candidacy for it. What I may have to say concerning this amendment can not therefore be successfully assailed either as an attempt to thwart the purposes of the administration or to hinder the President in the effective prosecution of policies designed to win this war.

Mr. President, this is a very important bill, one of great magnitude and of far-reaching importance. I am disposed to support it, somewhat against my convictions, because it seems to be so urgently demanded as an essential to the crisis with which we are now confronted; and yet, Mr. President, I can not lend my assent to its enactment as it stands, if by one or two appropriate and what seem to me to be necessary amendments we can eliminate from its operation two or three of the great administrative institutions of the Government.

Mr. President, I am not at all afraid of the manner in which the President will exercise his great powers under this bill. I am satisfied with the assurances which I am told he has given to the Senator having charge of the bill regarding the subject matter of this and one or two other proposed amendments. But, as was just said by the Senator from Missouri [Mr. REED], we are legislating for the future. We are legislating in affairs of government. Administrations change; Presidents come and go; but the Republic goes on, I trust, forever.

We should be wholly impersonal in our consideration of measures like this and act as convictions of duty demand. There is nothing certain in this world, said an old philosopher, but death and taxes. Nothing has been so uncertain since this war began as human life. The President may, and I trust will be, with us during the remainder of his term. I trust he will enjoy many happy years after he shall have laid down the cares and prerogatives of his office. But we do not know. We do not know how long this war will last. My own belief, from present indications, is that it will be of indefinite duration and that the struggle between autocracy and democracy will extend through many years to come. We must take all these things into consideration, Mr. President, whenever the personal equation is invoked in behalf of any legislative program.

Now, what is proposed by this amendment? Simply the elimination from the operation of the terms of the bill of a very important governmental function, one whose disturbance, however great the exigencies of the country, may result in immediate injury or ultimate disaster to our financial system. The time may come when, with the best of intentions, whoever may occupy the presidential office, may under the terms of this bill be advised and consider it his duty to make important changes, possibly eliminating the Federal Reserve Board from all the activities conferred upon it by law, and the same is true of the Interstate Commerce Commission. Indeed, Mr. President, with regard to that body and some of the functions with which it is clothed, I can very readily foresee the possibility of an early conflict with the administration. We have in the railroad law enacted some weeks ago continued to that body the power of review over changes of rates which were proposed by the administration in its operation of the railroad system of the United States.

If in the exercise of that power serious differences should arise between the rate-making authority where it is now vested and the right to review that authority as we have continued it, an issue directly affecting the conduct of the war in the opinion of the administrative authority might present itself. In that event, in all probability, if the commission be not excepted from the bill, a transference of the rate-making power of the Interstate Commerce Commission to some other functionary or functionaries for the time being or during the course of the war would very probably be made, and that in my opinion would be most unfortunate. It was precisely to guard against the placing of the rate-fixing power in the hands of one man absolutely that Congress in its wisdom continued the revisory rate-making functions of the Interstate Commerce Commission. Why, then, should we not eliminate that commission from the operation of this bill? To do otherwise will be to make the legislation already enacted and upon which this body insisted potentially nugatory.

It is said by the Senator having charge of the bill that the proviso of section 2, which reads, "Provided, That the authority by this act granted shall be exercised only in matters relating to the conduct of the present war," makes interference with the Federal Reserve Board or with the Interstate Commerce Commission impossible, because neither of them can by any possibility relate to the conduct of the war. Why not? Mr. President, nearly every bill introduced in either House at this session of Congress has contained in its title or as a recital that its purpose is to promote the prosecution of the war, or that it is necessary to the successful conduct of the war. Indeed, in the preparation of bills in the last few months that phrase has become a formula. Hence, I can not understand or accept the assertion of the Senator from North Carolina that because of this proviso there can be no relation between these two bodies, or either of them, and the proper conduct of the war.

But if the Senator is right it will do no harm to insert these two amendments, for certainly if there can be established no relation between them and the conduct of the war then no objection whatever can be made to them. They will, in any event, be harmless.

My colleague [Mr. SHAFROTH] the other day, in a most illuminating speech, emphasized the tremendous importance of our banking system to the prosecution of the war, his argument being that, because of that fact, it should not be excluded from the operations of the bill. Here, then, we find two supporters

of the same measure differing radically upon a tremendously important subject. Both these Senators are excellent lawyers, and if there be such a radical divergence of opinion between them regarding the relation of the Federal Reserve Board to the conduct of the war, certainly we should provide in a cautionary way against the possibility that the Senator from Colorado may be right and the Senator from North Carolina may be wrong.

Mr. President, this amendment addresses itself, to my mind, as being eminently proper and desirable, and in view of the vastly beneficial functions of the Federal Reserve Board, in view of the conceded fact that the act creating it is one of the great monuments of congressional legislation, that it has not only supplied a needed want but has become a precedent for banking legislation the world over, I trust that nothing save the direst of dire necessities may subject it to any possibility of outside interference or of suspension.

Let me add before I take my seat that inasmuch as this Congress has at all times since the outbreak of the war manifested itself summarily, freely, and without qualification in favor of everything that the administration has deemed necessary for the proper prosecution of the war, should the emergency contemplated by my colleague present itself it would require but a very short time indeed for the Senate and the House to give the needed power to meet and overcome it.

Moreover, Mr. President, the power vested in the President—the power of removal and appointment—to change the personnel of both these boards and reconstitute them to his purposes is ample for any contingency so far feared or prophesied. That power exists. It is conceded. Why should we, then, delay the passage of this bill by objecting to these exceptions, which, in my judgment, are quite as essential to the bill as the bill seems to be to the due prosecution of the war?

Mr. SHAFROTH obtained the floor.

Mr. LODGE. If the Senator will allow me, I should like to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Massachusetts is withdrawn.

Mr. SHAFROTH. Mr. President, I did not expect to say anything further with relation to the bill, but the controversy that has arisen in the last two or three speeches impels me to say a few words with regard to it.

I supposed it was conceded that in order to prosecute a war successfully we had to have concentration of power. If any Senator does not believe that, then, of course, he should vote against this bill. All of these bills creating independent bureaus with their checks and balances have been framed and enacted for the purpose of being administered in times of peace. These safeguards are most necessary in times of peace. But in times of war there arise in the various bureaus of the Government certain conflicts of opinion which produce discussion and delay, and it is those delays which sometimes are fatal to the successful prosecution of the war.

If we regard this war as a conflict not of great importance, then, of course, it is all right to contend that the President should have no more power than he now possesses. Examine the arguments that have been made in the last hour and a half and you will find that the objections which are made to the Federal Reserve System being brought within the operation of this act can be repeated as to every department of the Government, except perhaps the War and Navy Departments. If you exclude all but those two departments it seems to me that you are going to impair the ability of the President to properly prosecute the war.

Every department has a close relation to the war. Its powers can be either made to aid or assist at a most vital time in the prosecution of the war or they may hinder and delay the prosecution thereof. There is not a single department in the Government that is not related to the prosecution of the war, and there is not a single one that compares in the importance of such relation to the Federal Reserve System, which is now made the subject of discussion by reason of the amendment offered to exclude it from the operation of the proposed law.

Mr. President, if we are going simply to confer upon the President insignificant powers it will not aid or assist. I take it that democracies have never been able effectively to prosecute war until they granted during the war autocratic power. They have these checks and balances which are in peace times so important to the preservation of the rights and liberties of the people, but which become obstructions when the existence of the Nation becomes imperiled.

Mr. President, what is this Federal Reserve System, which some have said has no relation whatever to the war? The Senator from Iowa [Mr. CUMMINS] made the assertion that it was possessed of powers that no one could suggest could have

any relation whatever to the war. He seemed to concede the principle of the necessity of concentration of power in times of war, for he said he believed in giving the President all the power necessary, but that he did not believe in giving power as to those bureaus that have no connection whatever with the prosecution of the war.

What is the situation with relation to the Federal Reserve System? There is no agency on earth that is more potent and powerful in the prosecution of a war than finances and the management thereof. There is nothing whatever which can be devised that will aid more or hinder more the prosecution of a war than the administration of finances.

We know that the Government keeps large quantities of money in the vaults of these Federal reserve banks. Suppose the officers of one of them should say, "We will not honor or cash any drafts or any checks that may be drawn by the Secretary of the Treasury for the prosecution of this war." Would not that action have some connection with the war? Would it not be possible for a bureau, clothed with a power of that kind, to have some influence upon either the prosecution or the retarding of the war? It is clear that a bureau which has such an important control over the finances of the Government in time of war becomes a most powerful agency for the purpose of ending the war or for the purpose of hindering the prosecution of the war.

It may be said, Mr. President, that the Federal reserve bank that would refuse to honor the checks of the Government could be forced to do so by a writ of mandamus. That is true; but you must remember the law's delays exist in this day as well as they did in Shakespeare's time. If we intend to clothe the President with power, should we except any independent bureau which could prevent the execution of the power that might be necessary for winning the war?

What may be said as to the Federal Reserve System may be said as to every one of the bureaus of the Government. If you are going to exempt one, it casts a reflection upon the others that remain under the operation of the system.

Mr. President, it is a question as to whether we regard this war as an important one, whether we regard it as essential that our powers should be concentrated. If we do not, then we ought to vote against this bill. We ought to vote against it if we think that in these times we ought to adhere to the checks and safeguards so essential in time of peace that have been thrown around the administration of all the bureaus. But if we believe that this is a great war, that the very life and existence of the Nation is dependent upon it, then the existence of the Government should be considered more important than that of any bureau thereof, and we should clothe our Commander in Chief with the power of removing any officer who stands in the way. With that power, Mr. President, we can have an effective prosecution of the war, and without it we can not. These independent boards, acting sometimes inadvertently and sometimes in the exercise of what they think is a power which should be exercised, will cause a hindrance, a delay, which may in its effect produce the loss of the war.

For these reasons, Mr. President, I maintain that every one of these bureaus ought to be brought within the operation of the law, and I am opposed to excepting any of them.

Mr. UNDERWOOD. Mr. President, in listening to the argument of the distinguished Senator who has just taken his seat I judge he has reached the conclusion that it is necessary to put the power carried in this bill in the hands of the Chief Executive lest there may be disloyalty in officials holding subordinate positions in the Government. I think the Senator is in error. I do not believe there is a man who holds high position under a commission from the President of the United States who is not loyal to the Government, but should such prove to be the case there is a way and a speedy way to dispose of a case of that kind.

Mr. President, we are on the battle line. All that we have, all that we hold dear, all that we cherish to our hearts is at stake on the battle fields of France, and no man is entitled to call himself an American citizen, no man is entitled to look his neighbor in the face, no man is entitled to live within the domain of this great country who is not loyal to the flag and prepared to support his country's call to the last degree.

But, Mr. President, so far as I am concerned I draw a marked distinction between being loyal to my country and feeling that I must obey the behest of every direction that may come from Executive authority. It is my desire and purpose to support the President of the United States in his great office, to aid and uphold the hands of his administrative officers, but I do not hold allegiance to the President of the United States. I do not hold allegiance to any subordinate officer. I hold my allegiance to my country and its flag, and I reserve the right to myself

when legislation comes before the Congress to determine for myself whether my higher loyalty requires me to support or negative legislation as I may determine whether it is for the best interest of the great cause that our troops are fighting for to-day.

I am disposed to support the bill that is now pending before the Senate, but I am not willing to say that I intend to stand here and vote for legislation that is laid before the Senate without consideration on my part, and without a determination on my part as to what I believe is the best interest of my country and the constituency that I represent.

This bill would be considered drastic legislation if it was not that we are involved in the war, and yet, Mr. President, I would be willing to vote for a measure of this kind in times of peace within prescribed limitations. I know and you know that there are numerous branches of the Government that are not functioning and have not been doing so, so far as an aid to the Government and the people of the United States, for some years past. I mean effectively and efficiently and capably. I know and you know the difficulties that confront the Congress when it seeks to wipe out bureaus or abolish divisions or change the executive branch of the Government. It is a most difficult undertaking, because men differ and influences differ, and without the aid and advice of the Executive it is most difficult of accomplishing. I think if the President of the United States had the time to do so, great good could be accomplished for the people of the United States in a reorganization of many of the bureaus and divisions of the Government of the United States to-day, not only those that relate to war endeavor but also those that relate purely to the civil side of the Government.

I believe that the war branch of the Government does need reorganization. I hope under the terms of this bill the President will give it a thorough and a quick reorganization. I believe there are some governmental operations on the civil side of the Government that could be reorganized most effectively and beneficially for the people of the United States at this time. But, Mr. President, that being true, I do not see that that fact compels me to tear down the entire fabric of government, to pull away the pillars from the temple and let them fall to earth and ask the Executive to rebuild the shrine of our Government from top to bottom.

There are certain governmental endeavors that, it seems to me, clearly it is the part of wisdom to keep out of this bill. It has been said here that the President would not interfere with them. Probably that is true, and why is it probably true? Because part of them have just been remodeled by the Congress at the request of the Executive.

But the business life of this Nation rests primarily on two functions. One is banking and finance and the other is transportation. Pull down the pillars of the temple of Government that support the great banking and financial institutions of the country at one end and then destroy the pillar that upholds the checks and balances of the transportation system of America at the other end, and the business fabric of the Nation will fall to earth and a panic will ensue before you can again establish it.

Those who advocate this bill say that it must pass without amendment. Who has a right to come before the Senate of the United States, representing the sovereign States of this Union, and say to this august body that they bear a message that we must pass legislation as it is handed to us or not pass it at all? Is that necessary for us to do in order to maintain our loyalty to our country, our devotion to our Government? Not at all, in my judgment. I think the primary duty of the Senate of the United States is to uphold the Government, to be loyal to the country, to maintain the armies in the field; but I think that result can be more effectively and securely accomplished by the Senate of the United States voicing its own opinion, using its own judgment, and reflecting the legislative will of the people, and not by adopting the mandate of subordinate officials of the Government.

Why should we not adopt the pending amendment? The pending amendment merely proposes to exempt from the terms of this general reorganization bill the Federal Reserve Board, a board but recently created by the Congress of the United States and but recently approved by the Chief Executive of the land. More than that, the ink is hardly dry on the signature of the President to a bill approved on the 5th day of April, 1918, creating a War Finance Corporation, which is an amendment to the Federal Reserve Board act, changing and increasing the powers of that board, a bill recommended by the Secretary of the Treasury, in order that he might carry out the war purposes of the Government on the financial side. The very purpose of the legislation creating the War Finance Corporation was to reorganize the Federal Reserve Board, so that it could cooperate in every way

with the war necessities of the Government. That legislation has been approved by the President of the United States; indeed, it met with his approval before it was passed. Its enactment was urged on the Congress by the Chief Executive and by the Secretary of the Treasury. No man can arise in his seat on the floor of the Senate and say that that amendment to the Federal Reserve Board act was not the legislation that the executive branch of the Government thought necessary and wise at the time to take care of the situation. It was passed as the President wanted it; it was passed under his urgent request. It is known; the people of America know what it is; the banking interests of America know what it is; the borrowing interests of America know what it is. It is fixed; it is known. Business men can move along, knowing what conditions they have to face from the governmental side and knowing the men with whom they have to deal.

Is there a Senator of the United States who is willing to stand in his place in the Senate and say that any of the men to whom we have given these great powers of finance are disloyal to the Government? If so, let him stand up and proclaim it here. Is there any Senator of the United States who is prepared to say in this presence that there is any man to whom the President has given the great powers under the Federal Reserve Board act and the War Finance Corporation act who is inefficient and incapable of carrying on the functions that are intrusted to him, or that the Chief Executive believes he is incapable of carrying on those functions? If there is, let us know it now; now is the hour, and now is the time to find it out. If you want to remove a man for inefficiency or for disloyalty, and that is the purpose of your legislation, tell us so; but if you can not tell us so, then let that argument pass aside forever; if that is not so, if we have on the statute books the exact legislation with reference to banking, currency, and finance that the Executive has asked, and we have in office the men appointed by the President of the United States to carry out these functions, whom the President believes are loyal and honest—and I am going to assume that they are loyal and honest and efficient, as no Senator on this floor is prepared to deny the fact—then we should adopt the amendment and not leave our financial status in the realm of doubt.

That legislation was born of yesterday; the officers are appointed by the President of the United States. I am going to vote to try out that legislation and let it stand where it is without amendment by Executive order and not by sanction of the representatives of the people in the Congress of the United States.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. OVERMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. There is a quorum here. The Chair will take judicial notice of the fact that there is a quorum here.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. SMITH of Georgia. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], who is unavoidably absent. I have been requested by him to preserve the pair on this vote, and therefore I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH], but on this vote I am released, and therefore vote. I vote "yea."

Mr. TILLMAN (when his name was called). I have a pair with the Senator from West Virginia [Mr. GOFF], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES]. If present, my colleague would vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. GERRY. I have a general pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a general pair with that Senator, which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. LEWIS. I desire to announce that the Senator from Ohio [Mr. POMERENE] is detained on important public business.

The VICE PRESIDENT. On the amendment of the Senator from Georgia—

Mr. REED. Before the vote is announced I desire to raise a point of order. The point of order is that the record will show that before the calling of the roll a Senator arose in his place and duly raised the question of the lack of a quorum. Under the rules of the Senate, followed without variation for many years, that demand should have been followed by a roll call to disclose the presence of a quorum without the interjection of other business. The Chair disregarded and overruled the point or the request, and proceeded to put the Senate immediately to a vote. That being the case, I maintain that the present vote was taken at a time when it could not be properly taken, because the only business that could be transacted by the Senate was the call of the roll to disclose a quorum, and not the call of the roll upon a vote.

The VICE PRESIDENT. The Chair announced to the Senator from North Carolina that there was a quorum present. The Senator from North Carolina thereupon did not insist upon the calling of the roll to disclose a quorum, and the Chair assumed it was with the consent of the Senator from North Carolina that he failed to order the calling of the roll. The Chair overrules the point of order.

Mr. REED. Mr. President—

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. To save the record, because I know it will not change the situation, the Chair announced in substance, as I heard his language—I may have incorrectly heard him—that he observed the presence of a quorum.

Mr. OVERMAN. Mr. President, I want to say that I did suggest the absence of a quorum, because there were some Senators absent who I thought ought to be here, but the Vice President found as a fact that a quorum was present, and I had no more to say. I did not actually insist on it; I was willing to go on.

Mr. GALLINGER. How could the Vice President find it as a fact?

Mr. OVERMAN. He saw more than a quorum here; there was no question about that.

Mr. GALLINGER. But the rule specifies how we shall proceed.

Mr. POINDEXTER. Mr. President—

The VICE PRESIDENT. The Senator from Washington.

Mr. POINDEXTER. I will ask the Senator from Missouri to read the rule under which he makes the point. I think it is well in acting on this matter to have the exact language of the rule before us.

Mr. NELSON. Mr. President—

The VICE PRESIDENT. The Senator from Minnesota.

Mr. NELSON. I want to say that, whatever there is in the point of order, it comes too late. The point of order should have been made before we started to vote on a call for the yeas and nays, and not after we had voted. That was the proper time to make the point, and on that ground alone the point of order is not well taken.

Mr. ASHURST. I rise to a point of order. Nothing is proper at this time under our rules except the excusing of a Senator from the duty of voting or the announcement of the result.

Mr. BRANDEGEE. Mr. President, I rise to a question of order.

Mr. ASHURST. I wish to have my point determined first, if the Senator will pardon me.

Mr. BRANDEGEE. I do not object to that.

The VICE PRESIDENT. The Chair is of this opinion—the Chair will state it all again—the Senator from North Carolina [Mr. OVERMAN] rose and suggested the absence of a quorum. The Chair said he would take judicial notice that there was a quorum present; that was the exact language. There was no objection made—

Mr. BRANDEGEE. Does the Chair think that was a legitimate parliamentary ruling?

The VICE PRESIDENT. No; the Chair does not think so; the Chair ought not to have done it, but the Chair did do it.

Mr. REED. Mr. President, I was in the Chamber giving reasonable attention, but before I had any time to understand what had taken place the roll call proceeded and the Senator from Arizona [Mr. ASHURST] had voted on the call of his name.

The VICE PRESIDENT. If this has to be a personal controversy between the Chair and the Senator from Missouri, it will be. There was no appeal from the ruling of the Chair; the request was then made for the yeas and nays, and the Senator from Missouri voted to second the request for the yeas and nays.

Mr. REED. I desire to say—

Mr. ASHURST. I rise to a point of order.

Mr. REED. I desire to say, as a matter of personal privilege, and the highest personal privilege—

Mr. ASHURST. I make the point of order that nothing is in order at this time except a declaration of the result or the excusing of a Senator from voting.

The VICE PRESIDENT. The Chair has already ruled on the point of order, and has overruled it.

Mr. REED. And, as a question of high personal privilege, I want to say to the President of the Senate, for whom I have the utmost respect, that he was never more mistaken in his life than when he states that I voted in favor or held up my hand to second the demand for the yeas and nays. He is simply in error, because the roll call was started before I was really aware of the fact. Now, I want to say, solely for the RECORD, and then I shall take my seat, that no Senator is obliged to be standing on guard lest a rule should be broken, a rule that has long been held to be sacred. That rule, if I may be pardoned for just a moment, is:

If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

But since the President of the Senate has stated that his action was irregular, and therefore I take it it can never be employed as a precedent, I do not desire further to insist upon the point.

The VICE PRESIDENT. Well, now, the Chair has tried for five years to be a decent, respectable, and fair presiding officer for this body—

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Now the Chair is going to take a hand. The Chair did a thing he had not any right to do, and every Senator knew that the Chair had not any right to do it.

Mr. OVERMAN. Will the Chair allow me to say a word?

The VICE PRESIDENT. The Chair respectfully requests unanimous consent at the hands of the Senate to set aside this roll call and all that has occurred and to let him order a call for a quorum.

Mr. OVERMAN. I do not object to that, except that I wish to say—

Mr. WILLIAMS. I object; and, if I am in order, I wish to state why I object.

The VICE PRESIDENT. There is an objection. The Senator from Missouri has withdrawn his appeal from the decision of the Chair. On the amendment of the Senator from Georgia the yeas are 37 and the nays are 41. The amendment is rejected.

The result of the roll call was as follows:

YEAS—37.

Borah	Gronna	Lodge	Sterling
Brandeggee	Hale	McCumber	Thomas
Chamberlain	Harding	New	Townsend
Cummins	Hardwick	Norris	Underwood
Curtis	Hitchcock	Page	Vardaman
Dillingham	Johnson, Cal.	Poinexter	Wadsworth
France	Kellogg	Reed	Watson
Frelinghuysen	Kling	Sherman	
Gallinger	Knox	Smith, Ga.	
Gore	Lenroot	Smoot	

NAYS—41.

Ashurst	Jones, N. Mex.	Overman	Swanson
Baird	Jones, Wash.	Phelan	Thompson
Bankhead	Kirby	Pittman	Tillman
Beckham	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Walsh
Culberson	McLean	Sheppard	Warren
Fletcher	McNary	Shields	Williams
Gerry	Martin	Simmons	Wolcott
Gulon	Myers	Smith, Ariz.	
Henderson	Nelson	Smith, Md.	
Hollis	Nugent	Smith, S. C.	

NOT VOTING—17.

Calder	Johnson, S. Dak.	Penrose	Sutherland
Fall	Kendrick	Pomerene	Weeks
Fernald	Kenyon	Ransdell	
Goff	La Follette	Robinson	
James	Owen	Smith, Mich.	

Mr. OVERMAN. Mr. President, I wish to say what I started to say a moment ago.

Mr. WILLIAMS. If I am not out of order, I should like to say a word, Mr. President.

The VICE PRESIDENT. If the Senator speaks, he will speak on the bill; and the Chair does not know whether he has spoken on it.

Mr. OVERMAN. Mr. President, I merely wish to make a statement. I did not object; I said I would not object; but I should have made the point that a quorum had been previously called for, and since it had been called no business had intervened between that time and the second suggestion of the absence of a quorum.

Mr. WILLIAMS. That is about the point that I wanted to make, Mr. President.

Mr. SMITH of Georgia. Mr. President, I move the amendment which I send to the desk, to come in at the end of section 1 of the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of section 1 the following proviso:

Provided further, That the authority by this act granted shall not extend to the functions, duties, or powers of the Interstate Commerce Commission.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Georgia.

Mr. CUMMINS. Mr. President, I shall not detain the Senate very long upon the amendment. I am not the especial champion of the Interstate Commerce Commission, as has been suggested by the Senator from Connecticut. It has often made decisions with which I did not agree; a part of its membership did not command my approval upon the vote for confirmation; but nevertheless, Mr. President, I believe that the Interstate Commerce Commission has played an important part in the economy of the United States and has administered justice with fair success among its people. I desire to resume, merely for restatement, the reasons which I was giving when my time expired upon a former occasion for the retention of the power of the Interstate Commerce Commission.

Mr. President, there yet remain in the commission two great, vital, important functions: First, the power of fixing rates for the general commerce of the people. I agree that this power is somewhat impaired by the bill which we recently passed, known as the railroad act, but it is still of vast consequence to those who believe in fair and reasonable rates for the service rendered by the common carriers.

The second function—and I should like Senators to give especial attention to this point—the second function which remains with the Interstate Commerce Commission is the valuation of the railway properties of the country. In that work the commission has been engaged for something like three and one-half years; it has progressed to a point at which some railroads, not many, have been completed so far as the work of the bureau of valuation is concerned, and with respect to all the railroads a vast investigation has been made and a very large part of all the evidence accumulated.

In our hearings before the Interstate Commerce Committee upon the railroad bill the Chief of the Bureau of Valuation, a man of the highest accomplishments and of the most perfect honesty and fidelity—I refer to Judge Prouty—said to us, as I remember, that the work of valuation, the work of taking the testimony and arranging it, could be finished in a year, and that it was possible that the entire duty of the commission in that respect could be completed in two years.

I desire to call the attention of the Senate to just what the commission has been doing and what it is authorized to do under the law. I read from the act of March 1, 1913, which authorized the valuation:

First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

Other items of information are required, which I need not read. I ask that the entire act to which I have referred may be inserted as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The act referred to is as follows:

An act (H. R. 22593) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof by providing for a valuation of the several classes of property of carriers subject thereto, and securing information concerning their stocks, bonds, and other securities.

Be it enacted, etc., That the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be further amended by adding thereto a new section, to be known as section 19a, and to read as follows:

"SEC. 19a. That the commission shall, as hereinafter provided, investigate, ascertain, and report the value of all the property owned or used by every common carrier subject to the provisions of this act. To enable the commission to make such investigation and report it is authorized to employ such experts and other assistants as may be necessary. The commission may appoint examiners who shall have power to administer oaths, examine witnesses, and take testimony. The commission shall make an inventory which shall list the property of every common carrier subject to the provisions of this act in detail, and show the value thereof as hereinafter provided, and shall classify the physical property, as nearly as practicable, in conformity with the classification of expenditures for road and equipment, as prescribed by the Interstate Commerce Commission.

"First. In such investigation said commission shall ascertain and report in detail as to each piece of property owned or used by said common carrier for its purposes as a common carrier, the original cost to date, the cost of reproduction new, the cost of reproduction less depreciation, and an analysis of the methods by which these several costs are obtained, and the reason for their differences, if any. The commission shall in like manner ascertain and report separately other values, and elements of value, if any, of the property of such common carrier, and an analysis of the methods of valuation employed, and of the reasons for any differences between any such value, and each of the foregoing cost values.

"Second. Such investigation and report shall state in detail and separately from improvements the original cost of all lands, rights of way, and terminals owned or used for the purposes of a common carrier, and ascertained as of the time of dedication to public use, and the present value of the same, and separately the original and present cost of condemnation and damages or of purchase in excess of such original cost or present value.

"Third. Such investigation and report shall show separately the property held for purposes other than those of a common carrier, and the original cost and present value of the same, together with an analysis of the methods of valuation employed.

"Fourth. In ascertaining the original cost to date of the property of such common carrier the commission, in addition to such other elements as it may deem necessary, shall investigate and report upon the history and organization of the present and of any previous corporation operating such property; upon any increases or decreases of stocks, bonds, or other securities in any reorganization; upon moneys received by any such corporation by reason of any issues of stocks, bonds, or other securities; upon the syndicating, banking, and other financial arrangements under which such issues were made and the expense thereof; and upon the net and gross earnings of such corporations; and shall also ascertain and report in such detail as may be determined by the commission upon the expenditure of all moneys and the purposes for which the same were expended.

"Fifth. The commission shall ascertain and report the amount and value of any aid, gift, grant of right of way, or donation, made to any such common carrier, or to any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, or by individuals, associations, or corporations; and it shall also ascertain and report the grants of land to any such common carrier, or any previous corporation operating such property, by the Government of the United States or by any State, county, or municipal government, and the amount of money derived from the sale of any portion of such grants and the value of the unsold portion thereof at the time acquired and at the present time; also the amount and value of any concession and allowance made by such common carrier to the Government of the United States or to any State, county, or municipal government in consideration of such aid, gift, grant, or donation.

"Except as herein otherwise provided, the commission shall have power to prescribe the method of procedure to be followed in the conduct of the investigation, the form in which the results of the valuation shall be submitted, and the classification of the elements that constitute the ascertained value, and such investigation shall show the value of the property of every common carrier as a whole and separately the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required.

"Such investigation shall be commenced within 60 days after the approval of this act and shall be prosecuted with diligence and thoroughness, and the result thereof reported to Congress at the beginning of each regular session thereafter until completed.

"Every common carrier subject to the provisions of this act shall furnish to the commission or its agents, from time to time and as the commission may require, maps, profiles, contracts, reports of engineers, and any other documents, records, and papers, or copies of any or all of the same, in aid of such investigation and determination of the value of the property of said common carrier, and shall grant to all agents of the commission free access to its right of way, its property, and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and every common carrier is hereby directed and required to cooperate with and aid the commission in the work of the valuation of its property in such further particulars and to such extent as the commission may require and direct, and all rules and regulations made by the commission for the purpose of administering the provisions of this section and section 20 of this act shall have the full force and effect of law. Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public.

"Upon the completion of the valuation herein provided for the commission shall thereafter in like manner keep itself informed of all extensions and improvements or other changes in the condition and value of the property of all common carriers, and shall ascertain the value thereof and shall from time to time revise and correct its valuations, showing such revision and correction classified and as a whole and separately in each of the several States and Territories and the District of Columbia, which valuations, both original and corrected, shall be tentative valuations and shall be reported to Congress at the beginning of each regular session.

"To enable the commission to make such changes and corrections in its valuations of each class of property, every common carrier subject to the provisions of this act shall make such reports and furnish such information as the commission may require.

"Whenever the commission shall have completed the tentative valuation of the property of any common carrier, as herein directed, and before such valuation shall become final, the commission shall give notice by registered letter to the said carrier, the Attorney General of the United States, the governor of any State in which the property so valued is located, and to such additional parties as the commission may prescribe, stating the valuation placed upon the several classes of property of said carrier, and shall allow 30 days in which to file a protest of the same with the commission. If no protest is filed within 30 days, said valuation shall become final as of the date thereof.

"If notice of protest is filed the commission shall fix a time for hearing the same, and shall proceed as promptly as may be to hear and consider any matter relative and material thereto which may be presented in support of any such protest so filed as aforesaid. If after hearing any protest of such tentative valuation under the provisions of this act the commission shall be of the opinion that its valuation should not become final, it shall make such changes as may be necessary, and shall issue an order making such corrected tentative valuation final as of the date thereof. All final valuations by the commission and the classification thereof shall be published and shall be prima facie evidence of the value of the property in all proceedings under the act to regulate commerce as of the date of the fixing thereof, and in all judicial proceedings for the enforcement of the act approved February 4, 1887, commonly known as 'the act to regulate commerce,' and the various acts amendatory thereof, and in all judicial proceedings brought to enjoin, set aside, annul, or suspend, in whole or in part, any order of the Interstate Commerce Commission.

"If upon the trial of any action involving a final value fixed by the commission, evidence shall be introduced regarding such value which is found by the court to be different from that offered upon the hearing before the commission, or additional thereto and substantially affecting said value, the court, before proceeding to render judgment shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said action for such time as the court shall determine from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may fix a final value different from the one fixed in the first instance, and may alter, modify, amend, or rescind any order which it has made involving said final value, and shall report its action thereon to said court within the time fixed by the court. If the commission shall alter, modify, or amend its order, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order.

"The provisions of this section shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any carrier, receiver, or trustee to comply with all the requirements of this section and in the manner prescribed by the commission such carrier, receiver, or trustee shall forfeit to the United States the sum of \$500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in section 16 of the act to regulate commerce.

"That the district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with or a violation of any of the provisions of this section by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of this section."

Approved, March 1, 1913.

Mr. CUMMINS. A more important work than is now being carried forward by the Interstate Commerce Commission in this respect was never entered upon by any body or function of the Government. It matters not whether we finally adopt the policy of Government ownership, or whether we continue in the former system of regulating and controlling the charges to be made by the carriers for the service they render. In either event, the conclusions which the Interstate Commerce Commission shall finally reach are absolutely necessary to the determination, first, of the value of the property, if we shall conclude to become its owners; or, second, the rates that shall be charged for the service, if we continue the system of mere regulation and control.

The magnitude of this work can hardly be conceived by those who are not familiar with what has been done by the commission. Hundreds of engineers and accountants and examiners have been diligently at work during these three years and a half in order to enable the commission finally to complete the duty which we devolved upon it in 1913. I should like to ask whether the sponsor for this bill believes that this function of the Interstate Commerce Commission, upon which it has gone so far, ought to be transferred to any other body, commission, bureau, or officer? I should like to know whether he believes it would help the country in the successful prosecution of the war to take away from the Interstate Commerce Commission this function and transfer it to some one else who might be selected for that purpose?

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. Only for a question, because my time is so limited. I yield for a question.

Mr. WILLIAMS. It is merely a question. I wanted to ask the Senator what provision in this bill gave him any reason to suppose that this mere administrative work of arriving at a certain result in a certain investigation ordered by Congress could be interfered with by the bill?

Mr. CUMMINS. I gather that impression simply by reading the bill. The bill says that the President shall be authorized to transfer from any department, commission, bureau, agency, office, or officer any power or duty or function heretofore granted to any other department, commission, bureau, office, or officer.

Mr. WILLIAMS. Mr. President, the Senator's response is not an answer to my question. Does the Senator really believe that under the provisions of this bill there would or could be, and especially that there would be, any attempt to take away this mere investigation work from these men who have started on it?

Mr. CUMMINS. Mr. President, I believe it could be done, and I fear that it would be done. I know that there is a movement on foot now to do it. I do not speak unadvisedly about it. I know that there began a short while ago a propaganda to prevent further appropriations for the continuance of this work. I know that this propaganda ceased and in its stead there was substituted a movement for the transfer of this duty on the part of the commission to some other officer or body of the Government. I do not suggest that the President of the United States is a part of that movement, but I do know that the influences, both for and against, which are always aroused when a subject of this sort is brought before either Congress or the people, are now at work. So I answer the Senator from Mississippi by saying that I do not charge or even intimate that the President would do anything that, in his opinion, was not best for the country; but I do know that those who are around him, those who naturally give voice to their convictions and their sentiments when anything of this sort is before the Congress or the people, desire that this power shall be taken away from the Interstate Commerce Commission and vested in some other officer or other body selected by the President.

Mr. WILLIAMS. Now, Mr. President—

Mr. CUMMINS. I can not yield further, because I must conclude what I have to say, and my time is very short.

Mr. WILLIAMS. Very well. I just wanted to ask one other question, as to the Senator's sources of information.

Mr. CUMMINS. The Senator from Mississippi can speak in his own time if he desires to do it; and I do not refuse to yield out of any discourtesy.

Mr. WILLIAMS. Oh, I know that.

Mr. CUMMINS. I simply want to finish what I have to say.

Mr. WILLIAMS. I know that perfectly well; but, still, I should have liked very much to follow the Senator's inferences one step further.

Mr. CUMMINS. I want to call attention to the fact that this is a function of the Interstate Commerce Commission which, when performed, can not be recalled. This bill is for the period of the war; but if this work is finished by some one else within the next two years, that controls times of peace as well as times of war. When the valuation of these properties is concluded, it matters not how soon peace shall come; it matters not how effectually, by the terms of this bill, the status which now exists is restored; the valuation will have been made, it will have been made under the law, and it will control and regulate and determine the things it was intended to determine when the law was passed.

We can not regard this as a war measure in that respect. It has nothing whatever to do with war in any other sense than that described by the Senator from Colorado [Mr. SHAFROTH], who believes—and many other people believe—that every activity, every energy, every part of every life in America has relation to the war. But I ask Senators now whether they are willing to give the power to transfer this function, which can not assist America in the prosecution of the war, from a board composed of nine eminent, skilled, trained, studied men to any tribunal or to any officer who may be selected to discharge this high and important duty?

I would not be so much concerned if at the end of the war the work done by the person or officer to whom the function is transferred could be obliterated, and if we then could resume the labor which has been going on for the last three and a half or four years, but we can not do that. It will be a judgment entered that can not be set aside. It will remain for all time to have the effect either upon railway rates, if we are adjusting them, or upon the value of the property, if we are acquiring it, that was intended by the act itself.

I earnestly hope, therefore, that this power may not be removed from the safe hands to which it has been intrusted both by Congress and by the President.

There is but one other function which remains to the Interstate Commerce Commission, and that is the authority of fixing rates, adjusting rates for the future. Do Senators want to take that power from the Interstate Commerce Commission? We fought that out on the railroad bill, and while I think the legislation we then enacted very seriously, very materially impaired the

efficiency of the Interstate Commerce Commission, yet there still remains some power to which the people can appeal if they feel they are aggrieved by the action of the Director General. Does the Senate desire to reverse its action with respect to that important matter—action which occurred only a few days ago?

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. WILLIAMS. Mr. President, however strange and unorthodox it may seem at this moment to make the assertion, I still hazard the assertion that it is not the bounden and sworn duty of a Senator of the United States always to suspect the motives of the executive department upon whom power is sought to be cast; to take it for granted that every power conferred by the legislative upon the executive branch of the Government will be abused, or might be abused, or probably would be abused, is to take it for granted that the American people in electing their Executive have made an enormous mistake.

The Senator from Iowa [Mr. CUMMINS] says that while he expects it is possible, or even probable, that an act of Congress which requires a certain investigation to be carried to a certain end will be set aside by the President without any express authority of Congress to set it aside, he still "does not accuse the President" of the United States of wanting to do this great wrong. Of course, he does not accuse the President of the United States of wanting to do this or any other great wrong. He dares not. Nobody in America dares do it. He would meet with the reprobation of the entire people of the United States if he dared. Then the Senator turns around and says that somebody is, or some somebodies are, in evidence—or not quite in evidence, either, but in hiding—who might influence the President to do what he says the President would not willfully do.

Mr. CUMMINS. Mr. President—

Mr. WILLIAMS. One moment; then I will yield. I wonder who this somebody is, or who these somebodies are, what are their motives, and what is the evidence upon which the Senator takes it for granted that a thing which he says is so wrong that the President would not do it, is yet of such a character that the President could be prevailed upon to do it anyhow?

Now, I yield to the Senator from Iowa.

Mr. CUMMINS. There are a great many people in this country who do not believe it would be wrong to do it; and in view of the President's attitude toward the power of the Interstate Commerce Commission in the railway bill, or the attitude of his representatives, I am not prepared to say that he is not one of those men who believe that it would be right to do it.

Mr. WILLIAMS. Ah! Now, then, Mr. President, we have gotten around to this: The Senator a few moments ago asserted in the most positive way that he did not believe the President wanted to do this thing which he says is a great wrong. Now he comes around to the point that he is not prepared to say, but that the President might do it.

Mr. CUMMINS. Mr. President, I think the Senator from Mississippi might quote me correctly. There was only the lapse of a moment between what I said and what he said. There is a vast difference between saying that I believe the President would do what he believes to be wrong, and saying that I believe he will do wrong from my standpoint.

Mr. WILLIAMS. Mr. President, that is a metaphysical discussion that has been argued out by scholastics years and years ago, as to whether a wrong is subjective or whether it is objective, and all that sort of thing.

Mr. CUMMINS rose.

Mr. WILLIAMS. I will always yield to the Senator, although I am in the same position that he was a moment ago, in that my time is limited.

Mr. CUMMINS. I will not interrupt again. I will only illustrate by saying that the Senator from Mississippi very often does what I think is wrong in his vote or in his speech, but I have never known him to do what I believed he believed was wrong. I think the difference is quite plain.

Mr. WILLIAMS. No; it is not plain, because the Senator has not gone to the point. Frequently I have known the Senator from Iowa to do things that I thought were wrong, and I do not believe I ever knew him to do anything that I thought he thought was wrong, but the question as to whether the thing was wrong or right still remains. It is like Dr. Oliver Wendell Holmes's story about the three Thomases—the Thomas that Thomas thought he was, and the Thomas that the boarding house thought Thomas was, and the Thomas that God knew that Thomas was. Right or wrong is not a subjective question at all. You do not make right by thinking it is right. I do not make right by thinking it is right. Right is right because it is right, and wrong is wrong because it is wrong.

Right is a concept of God, not your concept nor mine; although the individual man is perhaps, as Jefferson said,

responsible not for the *rightfulness* but only for the *rightness* of his act. But the Senator has already said that he would not make any charge against the President of the United States of doing this thing which in the opinion of the Senator from Iowa is wrong, and therefore which in his opinion is not only subjectively wrong but objectively wrong; and after he has said that the Senator goes on to say that he is a little bit afraid the President may be misguided by somebody, or some somebodies, and the Senator does not tell the Senate who this somebody is, or who these somebodies are.

There are two things to this proposition. The functions of the Interstate Commerce Commission with regard to fixing rates during this war must be set aside, because if we are going to gather all of the railroads of this country together and operate them conjointly with the idea of avoiding duplication and with the idea of making them work in harmony of purpose and unity of action, then, of course, the rates must be harmonized throughout the country. That is not all. Certain rates that apply to products that are absolutely necessary for war purposes must be reduced, and rates upon other and nonessential things must be raised to recoup the loss to the Government and to the railroads because of these reductions. Nobody disputes that the effect of this bill will be to give to the Director General of Railroads the right to fix rates during the war; and if I were appointed Director General, and you did not give me that right as well as the right to fix wages, I would not take the place, because I could not control the railroads. The Senator from Iowa knows that as well as I do. But the Senator goes out afield yet further and goes into an act of Congress directing an investigation and a report as to certain facts of capitalized value, and he says that this act somewhere might, or could, or would, or should, or will, or otherwise, through third parties, might, could, would, or should set aside an act of Congress demanding a certain investigation and a certain report. I say there is nothing at all in this bill that justifies that inference, and I say, moreover, that it does not become me or him, as a Senator of the United States, to take it for granted that because power is lodged in the Executive for a certain purpose it will be abused by applying it to other purposes.

I love the President of the United States personally as well as politically, and far more patriotically and Americanly than I do in either other way. I know he is not going to do anything outside of what he thinks is the intention of this act. He will, through the Director General, change rates wherever it is necessary to carry on the war more efficiently; he will reduce rates upon things that are necessary for the war; he may raise rates on nonessentials in order to recoup the business and make it pay. For example, I received a complaint not long ago that the freight rates on cotton were very high in proportion to the freight rates on wheat crossing the Atlantic Ocean and the freight rates upon certain chemicals crossing the Atlantic Ocean. I wrote back to the constituent who wrote me that that was right at this time, because cotton was not necessary to win the war, and wheat was, and they ought to lower the rates upon wheat as far as they could; and if it was necessary, to make the thing pay, to raise the rates upon cotton and upon other things not absolutely essential to carrying on the war, he and I ought to be patient under it; and he wrote me back, upon receiving my letter, and told me that he thought I was right.

But the Senator ought to know, and I think the Senator upon further thought will know, that the President is going to construe this act according to the intentment of the Congress of the United States, with the sole view of carrying on this war efficiently to a successful issue, and that he is not going out of his way in order to catch up academic questions upon the outside that are totally nonessential to the carrying on of the war. What the Senator has presented is an academic question, totally nonessential to the carrying on of the war. Nobody cares who makes this physical valuation report, and Congress has already designated the men that should make it. I can not even conceive that the President would take the determination of that nonessential and nonwar purpose out of the administrative body of designated men in whose hands it has been reposed.

The VICE PRESIDENT. The question is on the amendment of the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. Upon that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED. Mr. President, I know that there are Members of the Senate absent who desire to say something upon this amendment. They left late in the afternoon, because they believed that the debate would run on, and they desired to have an opportunity to speak upon the amendment. I hope the Senator in charge of the bill will allow it to go over until Monday.

Mr. OVERMAN. I would like to comply with the request of the Senator; but this bill has been before the Senate all of this week and all of last week and all of the week before, and Senators ought to stay here. I have accommodated them whenever possible, but I should like to have a vote this afternoon and finish the measure.

Mr. REED. As the Senator refuses to accede to my request, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gulon	Martin	Smith, Ga.
Baird	Hale	Myers	Smith, Md.
Bankhead	Hardwick	Nelson	Smith, S. C.
Beckham	Henderson	New	Smoot
Borah	Hitchcock	Norris	Sterling
Brandeggee	Hollis	Nugent	Swanson
Chamberlain	Johnson, Cal.	Overman	Thomas
Colt	Jones, N. Mex.	Page	Thompson
Culberson	Jones, Wash.	Phelan	Tillman
Cummins	Kellogg	Pittman	Townsend
Curtis	Kirby	Polindexter	Trammell
Dillingham	Knox	Reed	Underwood
Fall	Lenroot	Saulsbury	Vardaman
Fletcher	Lewis	Shafroth	Wadsworth
France	Lodge	Sheppard	Walsh
Frelinghuysen	McCumber	Sherman	Warren
Gallinger	McKellar	Shields	Watson
Gerry	McLean	Simmons	Williams
Gronna	McNary	Smith, Ariz.	Wolcott

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Georgia [Mr. SMITH], and the roll will be called.

The Secretary proceeded to call the roll.

Mr. FALL (when his name was called). I make the same announcement that I made on the last vote and withhold my vote.

Mr. GERRY (when his name was called). Making the same announcement that I did the last time, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Goff] to the Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). I make the same announcement as heretofore, that my colleague [Mr. WEEKS] is paired with the Senator from Kentucky [Mr. JAMES]. My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. BECKHAM (after having voted in the negative). I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Oklahoma [Mr. OWEN] and let my vote stand.

I wish to announce the absence of my colleague [Mr. JAMES] on account of illness.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Brandeggee	Gronna	Lodge	Smoot
Chamberlain	Hale	McCumber	Sterling
Cummins	Harding	New	Thomas
Curtis	Hardwick	Norris	Townsend
Dillingham	Hitchcock	Page	Underwood
France	Johnson, Cal.	Reed	Vardaman
Frelinghuysen	Kellogg	Sherman	Wadsworth
Gallinger	Knox	Smith, Ga.	Watson
Gore	Lenroot		

NAYS—42.

Ashurst	Hollis	Nugent	Smith, S. C.
Baird	Jones, N. Mex.	Overman	Swanson
Bankhead	Jones, Wash.	Phelan	Thompson
Beckham	Kirby	Pittman	Tillman
Borah	Lewis	Saulsbury	Trammell
Colt	McKellar	Shafroth	Walsh
Culberson	McLean	Sheppard	Warren
Fletcher	McNary	Shields	Williams
Gerry	Martin	Simmons	Wolcott
Gulon	Myers	Smith, Ariz.	
Henderson	Nelson	Smith, Md.	

NOT VOTING—18.

Calder	Johnson, S. Dak.	Owen	Smith, Mich.
Fall	Kendrick	Penrose	Sutherland
Fernald	Kenyon	Pomerene	Weeks
Goff	King	Ransdell	
James	La Follette	Robinson	

So the amendment of Mr. SMITH of Georgia was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open for further amendments.

Mr. SMOOT. I intended to offer an amendment and occupy some time this afternoon, but it is so late in the evening that I will ask the Senator from North Carolina if we can not adjourn at this time until Monday? I understand that there are

a number of other amendments to be offered. I have not occupied a moment of the time of the Senate; but I did want to offer the amendment and to speak at least 20 minutes upon it, and there are quite a number of other amendments that are to be offered. It is Saturday afternoon. I ask the Senator if he will not agree to an adjournment until Monday?

Mr. OVERMAN. The Senator surprises me when he says that there are a number of amendments to be introduced.

Mr. SMOOT. They have been printed.

Mr. OVERMAN. I know the Senator from Ohio [Mr. HARDING] has an amendment and also the Senator from Utah [Mr. SMOOT] has an amendment, and both Senators want to speak on their amendments. Are there any other amendments to be offered?

Mr. SMOOT. There are some amendments printed. I do not know anything about whether they are to be offered or not.

Mr. HALE. I should like to state that I shall propose an amendment.

Mr. STERLING. I have an amendment to offer.

Mr. SMOOT. I wish to say to the Senator from North Carolina that I thought there was an understanding if we secured a vote upon the last amendment we would then adjourn until Monday. I do not know whether any Senators have left the Chamber with that understanding or not.

Mr. OVERMAN. I understand that the Senator from Maine [Mr. HALE], the Senator from South Dakota [Mr. STERLING], and the Senator from Ohio [Mr. HARDING] have amendments which they wish to offer.

Mr. CUMMINS. I intend to offer several amendments.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until Monday at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Saturday, April 27, 1918) the Senate took a recess until Monday, April 29, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, April 27, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, how marvelous are the works of Thy hands, how manifold are the ways of Thy providence, how vast are Thy plans and purposes! Open Thou, we pray Thee, our understanding that we may apprehend, and strengthen us for every duty Thou hast laid upon us, that the desires of Thy heart may be fulfilled in us, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

CASUALTY LISTS.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. MADDEN. Reserving the right to object, I would like to know what the gentleman is going to speak about.

Mr. ROGERS. Upon the withholding of the names of the organizations to which soldiers belong in publishing casualty lists.

Mr. MADDEN. All right.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, in three different cases in the last week in my own city there have been anxious and grieving fathers and mothers, because of the announcement that a certain boy has been dangerously wounded overseas. In each case, after making an investigation here in Washington, I was able to telegraph the fathers and mothers that happily their grief was needless, the error having arisen from the fact that the organization number to which the soldier belonged had not been given in the casualty lists. There was duplication of names and the confusion resulted in that way. I assume that my own case is not at all unique in that respect. I suppose every Member of the House has had cases of this sort, perhaps many of you more frequently than I have. I simply desire to bring this matter to the attention of the House at this time, and to express the hope that it may be possible for the War Department to modify its policy in this connection. I ask the Clerk to read

in my time a very brief extract from a Lowell, Mass., newspaper on this subject.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

If the custom of not publishing the addresses of those of our boys who suffer sickness, wounds, or death in France is meeting with the same disadvantages throughout the country as has been the case in this city, surely it will not prevail for a much longer time, for through the giving out of names minus the addresses of the parties of at least three soldiers during the past 10 days similar to those of Lowell boys now fighting in the trenches needless pain and temporary sorrow have been suffered by the relatives and friends of the boys. In the first two cases the stories and photographs of the young men, who it was assumed were the parties mentioned in the casualty lists, were published in this paper, only to be retracted a day or so afterwards, when the addresses of the unfortunate young men were traced to Methuen, Mass., and Bridgeport, Conn., respectively. The last and third incident occurred only yesterday, when the casualty list as published in Boston papers contained the name of a young man who had died of disease which was identically the same as that of a young man who was taken from this city in the first draft quota. The local young man happens at this time to be confined in a hospital in the South, while his comrades are either in France or on the way over there; so that it is apparent that had his people not known definitely his present whereabouts they would have been justified in believing that it was their son and brother who had been the victim in the hospital in France.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMPSON for two weeks, on account of illness.

SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates Mr. GREENE of Massachusetts to preside to-morrow at the memorial services for the late Representative SULLOWAY.

COMMITTEE APPOINTMENT.

The SPEAKER. The Chair appoints the gentleman from Oregon [Mr. SINNOTT] in the place of Mr. LENROO as a member of the special committee to consider water power.

EXPERT TRANSCRIBERS FOR THE OFFICIAL REPORTERS (H. REPT. NO. 524).

Mr. PARK. Mr. Speaker, I present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 318.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of \$1,200 per annum, payable monthly, for the employment of six expert transcribers, who shall be appointed by and be under the direction and control of the Official Reporters of Debates in the preparation of copy of the proceedings of the House of Representatives for publication in the CONGRESSIONAL RECORD.

Mr. PARK. Mr. Speaker and gentlemen of the House, the necessity for a change of the method of compensation of the transcribers employed in the office of the Official Reporters of Debates has about reached its culmination. Heretofore each reporter has paid his own transcriber's salary, sometimes for nine months, sometimes longer, for the purpose of having transcribed the speeches and proceedings on the floor. The amount paid by the Official Reporters for this work has been repaid to them by the House at the end of each session by an item in the general deficiency appropriation bill. In the War Department and in other departments higher salaries are paid than the Official Reporters are able to pay for this service. In order that a person may be qualified to be an expert transcriber considerable training is necessary, and I am informed by the reporters that it takes 12 months or longer before a transcriber becomes thoroughly familiar with the terminology and phraseology of the House. The language is different, the variety of subjects discussed is very great, and for that reason an ordinary transcriber can not do the work satisfactorily.

This resolution is intended to provide six transcribers at \$100 a month and put them on the annual roll. The Official Reporters can secure transcribers in that way; but when the position is a session employment, the salary being so small it is impossible to keep them. I understand that Mr. Lafferty, one of the reporters, has had his transcriber leave him to accept a position paying \$200 a month, and one of the other reporters has had a similar experience.

Mr. MADDEN. Will the gentleman yield?

Mr. PARK. Yes.

Mr. MADDEN. The Committee on Accounts has made a sufficiently careful investigation of this matter to be sure that it is one of the essential things to be done now, to take care of the business of the House.

Mr. PARK. It seems so to the committee.

Mr. MADDEN. I think so, too.

Mr. GARNER. Will the gentleman yield for a question?

Mr. PARK. I yield to the gentleman.

Mr. GARNER. If I understand this resolution, it provides that each reporter may appoint a transcriber?

Mr. PARK. Yes.

Mr. GARNER. The transcribers to be under the direction and control of the Official Reporters?

Mr. PARK. Yes.

Mr. GARNER. At \$100 a month, annually?

Mr. PARK. Yes.

Mr. GARNER. To be paid out of the contingent fund until otherwise provided by law?

Mr. PARK. Yes.

Mr. GARNER. Under the present arrangement the reporters of the House appoint these transcribers and pay them monthly while Congress is in session, and at the end of the session through the Committee on Appropriations they are reimbursed for the money so paid by them?

Mr. PARK. Yes.

Mr. GARNER. The only difference between the proposed arrangement and the present arrangement is that they will be put on the roll and carried annually at \$100 a month?

Mr. PARK. Yes. Of course the gentleman knows that Congress has been in session almost continuously in recent years.

Mr. GARNER. I think this is undoubtedly the better plan.

Mr. PARK. If Congress remains in session 10 months. All department clerks are entitled to 30 days annual leave and not exceeding 30 days sick leave, so that the service is practically the same.

Mr. GARNER. If I understand the gentleman, one of the principal reasons for this resolution is that the salaries paid for similar service by the War Department and other departments is causing these employees to go, because they get a salary from the reporters only while Congress is in session, and this proposes to secure their continuous employment at the same salaries that they could get somewhere else.

Mr. MADDEN. Another reason is that it will relieve the reporters of the necessity of paying this money out of their monthly salary, which is a great burden.

Mr. GARNER. And if you do not pass this resolution it will be difficult for the reporters to get efficient transcribers, because they will go somewhere else.

Mr. MADDEN. Exactly.

Mr. STAFFORD. Will the gentleman from Georgia yield me 10 minutes?

Mr. PARK. I will yield to the gentleman 10 minutes.

Mr. STAFFORD. Mr. Speaker, there is no disposition on the part of anyone in the House to compel the reporters of the House to pay out of their own pockets, as has been the practice in the past, money to pay transcribers of the proceedings of the House until reimbursed by Congress at the close of the session. Originally the reporters themselves performed this work, but for a number of years past, in order to have the copy brought to the floor as quickly as possible for the use of the Members in revision, it has been performed by transcribers, who take the reports from the phonograph and typewrite it on machines.

This bill is a forerunner of what we may expect not only for the help of the Official Reporters of the House but for similar help to those of the committees. They, too, receive \$5,000 per annum, and they employ transcribers in some instances running up to \$200 a month. It is an unpleasant task for me to take the position that I do, but I do not believe that we are warranted by the facts presented to the legislative committee in considering the employees of the House in putting these people on the annual roll. I have no objection to placing them on the rolls as session employees.

It is true that we have a peculiar condition existing at the present time. The War Department is very desirous of getting all the clerical help and stenographers possible. These stenographers receive an entrance salary of \$1,100, payable out of a lump sum, but their positions are not permanent. These persons now employed as transcribers are simply typists. It may be that some have gone down to the department—in one or two instances the younger ones have left and taken up some gainful employment. There are only four committee stenographers on the permanent roll. They do not perform all the work of reporting, but employ stenographers in the city who receive 15 cents per folio. That character of temporary employment can be obtained any time. I believe that this character of employment can be obtained at all times and these persons now employed retained in the Government employment if given session employment. It is different, as far as these employees are concerned, from the political appointments of the House, for they are brought from far and near and the little extra compensation that they get goes for mileage.

Mr. LAZARO. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LAZARO. Does the gentleman believe that anyone in these times of the high cost of living could get along on the temporary employment as suggested by the gentleman?

Mr. STAFFORD. Oh, yes; they have worked for that in times past, and the same employees have remained. If \$100 is not sufficient, make it more as a temporary employment. When we have short sessions you can not justify giving more than a temporary employment, as persons can be found anywhere in the District to do the work of transcribing. It is not difficult for us to find stenographers to do the work of a stenographic character. So I say that we should, as with the committee reporters, merely provide employment for the session. If \$100 is not sufficient, make it \$125. I am going to ask the gentleman from Georgia if he will not yield to me to offer an amendment inserting, after the word "transcribers," the words "during the sessions of Congress."

Mr. PARK. I do not want to be taken off the floor.

Mr. STAFFORD. Of course not. Mr. Speaker, the gentleman yields to me; with the understanding that I will not take the gentleman off the floor, to insert, after the word "transcribers," the words "during the sessions of Congress."

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MOORE of Pennsylvania. I want to ask the gentleman a question.

Mr. STAFFORD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has five minutes. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 4, after the word "transcribers," insert the words "during the sessions of Congress."

Mr. STAFFORD. Now, I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The gentleman referred to these employees as merely typists. I think it is fair, and I know the gentleman wants to be fair, to say that they are more than that, they are expert typewriters and operatives of talking machines.

Mr. STAFFORD. They are typists and transcribers, that is the technical term. They are employed in the law offices where they dictate to phonographs, and then it is transcribed on the typewriter. The reporters go downstairs after they take five minutes of debate, talk into a phonograph, and then it is taken off by these transcribers. What is the effect of this amendment? It will not only give permanent status to these people, but it will give them \$100 a month while they have received in times past in some instances \$85 a month.

But more, they will receive the additional allowance we have provided for all employees of the Government during these stressful times. If \$100 a month is not sufficient, let us pay them more, but let them be session employees. These are people who can be obtained at any time in the District, who do this character of work. They will always be available and perform it efficiently. So I say that this amendment should be adopted, not only for the reason that it is applicable in this case, but when the committee reporters come before you and ask for a similar raise, that their employees, who are temporary, should be placed on the permanent roll, we can provide for them merely for the session, or as the work requires, and not give them an annual status.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that ordinary typists are competent to do this work at any time, and may be obtained down here in the city?

Mr. STAFFORD. Oh, yes; it is a similar condition to stenographers to committees. We only have four stenographers to the committees, and yet at times there are a dozen stenographers employed by reason of having permanent offices in the District.

Mr. COOPER of Wisconsin. Does not the gentleman think, in fact does he not know, that there are many technical terms and expressions constantly being used by the presiding officer and by gentlemen on the floor in debate, which these people learn to take with great rapidity and transcribe on the typewriter, and that they must become familiar with this technical language in order to do efficient service?

Mr. STAFFORD. Oh, there have not been any changes in the personnel of this force to speak of until recently. They have been employed there for a long time. As soon as these temporary war conditions have passed there will not be any difficulty with this.

Mr. GARNER, Mr. CANNON, and Mr. WALSH rose.

The SPEAKER. To whom does the gentleman yield?

Mr. STAFFORD. To no one at the present time. There would not be any need for continuing these permanently when this exigency passes over.

Mr. GARNER. Does the gentleman know the difference in the cost per annum under this arrangement and the present arrangement?

Mr. STAFFORD. Well, I suppose the difference in the cost, when we take in the committee reporters, will be several thousand dollars—

Mr. GARNER. No; I am not talking of that—

Mr. STAFFORD. The gentleman realizes—

Mr. GARNER. I can not see the point of the gentleman from Wisconsin to save my life, where this applies to the committee reporters because they go out, as the gentleman says, and get somebody else—

Mr. STAFFORD. I beg the gentleman's pardon, then; I have not made myself clear. I decline to yield further, because my time is running. The committee reporters, and they are four in number, have employed many from outside to help perform the same character of work. The reporters take dictation of hearings, and they have their copy transcribed, and they employ temporary help, just like the Official Reporters of Debates of the House, for that purpose. In some instances they pay as much as \$200 a month to some individuals that transcribe copy. These same employees will be seeking for places on the permanent roll if you adopt this resolution. That is the point I am making.

Mr. CANNON. Will the gentleman yield?

Mr. STAFFORD. The gentleman from Massachusetts [Mr. WALSH] was desiring recognition. I yield to the gentleman from Massachusetts, as he was asking for recognition before the gentleman from Illinois, and he is protesting—

Mr. WALSH. I yield to the gentleman from Illinois.

Mr. STAFFORD. The gentleman withdraws his protest, and I yield to the gentleman from Illinois.

Mr. CANNON. Does not the gentleman think under existing conditions, and the long session, and prompt work of this House, and good work, that the House, which will be in session when peace comes, with people who are competent and who we can get very well—does not the gentleman think that we can trust a future House of Representatives when peace comes to do the proper thing?

Mr. STAFFORD. The gentleman has been long enough in Congress to know that when once you place an employee on the permanent roll there is no change from that status.

The SPEAKER. The time of the gentleman has expired.

Mr. PARK. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I am opposed to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. I am in favor of the resolution offered by the gentleman from Georgia [Mr. PARK], because I believe it is one of the essential needs of the hour. I do not think the gentleman from Wisconsin understands the situation, though he may have been giving study to it in the committee of which he is a member in the Appropriations Committee room. The reporters have paid the transcribers out of their own pockets for 30 years, so they have not been doing the transcribing themselves in recent years.

It may be that what is said on the floor of the House is not always important, and perhaps in many cases it is not. If it is not worth preserving, of course the thing to do is to do away with the reporters.

Mr. BUTLER. To do away with the Record.

Mr. MADDEN. And if you do away with the Record you will of course do away with the reporters. That might possibly be a good thing to do, but we shall never do that; and if we are going to insist upon having what we say reported, written out, and handed back to us for revision in 5 or 10 minutes after it is spoken, then we ought to furnish the kind of facilities that will enable the reporters to give us what we want [applause], and you can not furnish that in a haphazard way. The gentleman from Wisconsin says it is easy to get stenographers. Yes; but what kind of stenographers? I have been trying to get them. The kind that come to you looking for a job are enough to drive a man to drink. [Laughter.] It is outrageous for them to classify themselves as stenographers. They do not know any more about stenography than a last year's bird's nest; that is, the most of them who come around looking for a job. It is difficult to get a good man or a good woman in the stenographic line to-day at any price, and these people who are required to transcribe the debates of the House are required to be experts. The reporters themselves have not the time, and they ought not to be required to do this transcribing. If this

was a million-dollar proposition there would not be a word said against it; but it happens to involve only about ten or fifteen dollars, and of course we are going to take a half a day in objections to it. We never have any trouble when it comes to a billion dollars. That goes over the heads of most of the Members here. If it reaches only a million, it goes over the heads of a great many, but when it gets down to \$10, of course quite a few object to it. [Laughter.] Here is a case where we hear an objection to the expenditure of a needed small sum of money to furnish information to Members, whose speeches are rewritten by the reporters in nine cases out of ten, because if they were taken down and transcribed, literally and sent to the public in that form they would in many cases be a sad mess. [Laughter.]

I am glad we have a fine lot of reporters here and that they have a lot of expert transcribers, because as the manuscript comes back to us it looks like a literary gem compared with what it was when it was uttered. [Applause.] So I have some sympathy with the demands of the reporters, because they have made it possible for some gentlemen here to appear in the rôle of polished orators, when sometimes they have not uttered a sentence grammatically correct in the course of what they had to say upon the floor. They have been thought to have some literary ability, due altogether to the fact that the reporters know what words to use when Members fail to use the right words. [Applause.] Of course, there are exceptions to that rule; but there are some people here who use worse English than I do, and I think in the interest of good order and good custom and good grammar and in the interest of spreading the impression among the people to the effect that Members of Congress are really what they are not, why, we ought to pass this resolution without any further talk about it. [Applause.]

The SPEAKER. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was rejected.

The SPEAKER. The question is on the resolution offered by the gentleman from Georgia [Mr. PARK].

The question was taken, and the resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

NORMAN E. IVES (H. REPT. NO. 525).

Mr. PARK. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Georgia offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 308.

Resolved, That there be paid out of the contingent fund of the House \$1,400 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee, by detail from the Bureau of Pensions, pursuant to law.

Mr. PARK. Mr. Speaker, I ask that the report be read.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The Committee on Accounts, to whom was referred resolution No. 308, has considered the same. This is the customary resolution for the person assigned to this committee and provides the same amount allowed in the Sixty-fourth Congress. It is ordered that the resolution be reported to the House with the recommendation that it do pass.

The SPEAKER. The question is on agreeing to the resolution.

Mr. STAFFORD. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. STAFFORD. To ask the gentleman to yield for a question. Do I understand that this is the same amount that has been voted to this clerk in former Congresses?

Mr. PARK. Yes, sir.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

WILLIAM M'KINLEY COBB (H. REPT. NO. 523).

Mr. PARK. I also present the following resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 310.

Resolved, That there shall be paid out of the contingent fund of the House \$1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-fifth Congress as assistant clerk to said committee by detail from the Bureau of Pensions pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

INCLUSION INTO MILITARY SERVICE OF CERTAIN CLASSES.

Mr. DENT. Mr. Speaker, I desire to report a disagreement between the conferees on the part of the Senate on Senate joint resolution 123, the quota resolution, for printing under the rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Conference report on joint resolution 123, providing for calling into the military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DENT. I will.

Mr. GARRETT of Tennessee. Was this conference requested by the House or the Senate in the first instance?

Mr. DENT. It was requested by the Senate and agreed to by the House.

Mr. GARRETT of Tennessee. The House has the papers?

Mr. STAFFORD. Is the gentleman presenting this for printing under the rules?

Mr. DENT. That is all.

The SPEAKER. It will be printed under the rules.

DISARMAMENT ON THE GREAT LAKES.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, and I am not going to object, I hope that will be the only request this morning, because we are anxious to get into the mining bill and very anxious to finish it up this afternoon so that we can carry the vote over until Monday.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. MOORE of Pennsylvania. Will the gentleman consent to me having one minute following the gentleman from Minnesota?

Mr. MILLER of Minnesota. I will yield one minute to the gentleman.

Mr. HEFLIN. Mr. Speaker, reserving the right to object, what subject is the gentleman going to discuss? And, more especially, I want to know what subject the gentleman from Pennsylvania [Mr. MOORE] is going to discuss.

Mr. MOORE of Pennsylvania. I wanted to make some reference to the necessity for hospitals to take care of our wounded soldiers.

Mr. HEFLIN. I have no objection.

The SPEAKER. Is there objection to the gentleman from Minnesota [Mr. MILLER] having 10 minutes, and yielding 1 minute of that time to the gentleman from Pennsylvania [Mr. MOORE]? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. Mr. Speaker, 100 years ago tomorrow President James Monroe, by proclamation, published and put into effect a treaty that had been negotiated by Mr. Rush, our Secretary of State, and Mr. Bagot, the British minister to the United States, and which had been confirmed by the Senate of the United States. This treaty decreed that neither Great Britain nor the United States should maintain an armed fleet upon the Great Lakes. It attracted very little attention at the time. Events recently at hand have given it a great significance, and I think this one-hundredth anniversary is entitled to a moment's consideration. This was practically the first disarmament treaty of modern times, and the only one that has proven effective. It was not believed at the time by either party that it would be lasting over an extended period of time. It was an experiment. As a matter of fact, its very terms stated that it could be abrogated by six months' notice on the part of either side.

One hundred years have come and gone and that treaty is still in force. It is in force to-day stronger than ever before, because it is backed up by the sentiment of the entire people on each side of the line. We have come to realize that it is possible for two Christian, civilized nations to live side by side without pointing a musket at each other's breast. The boundary line between Canada and the United States, geographically, will continue always to exist, but peace, amity, concord, and good will, the one nation to the other, will last throughout all time. [Applause.]

We are now comrades in the great struggle to make this world a place wherein free men can dwell, and when the day of peace shall have come we will be comrades in the effort to preserve the peace of mankind, that the horrors of war shall be known no more, and that justice and good will may characterize the relations between the nations of the earth.

We now know that two nations that are actuated by a sense of justice, fair dealing, and good will can live in peace and harmony side by side. Canada and the United States, therefore, have set a great example to the world, and one that may serve to guide us in the years that may follow at the conclusion of this war.

I have long been one of those strongly in favor of a great military establishment for the United States. I have, in the years that I have been privileged to vote, always voted for the greatest number of battleships that could be suggested. I have voted for an increase in our Military Establishment on land at every opportunity that I have had, having in mind the fact that this world consists not entirely of nations that bear to each other good will and a sense of fair dealing. But I have still had in mind that eventually a time would come when the nations of the world would be actuated in their relations toward each other by those lofty motives that should actuate men in their daily lives as neighbors, and when that day shall have arrived the time for great fleets will have passed. The Great Lakes, in the heart of the American continent, form the greatest highway of commerce in the world. The ships of war are there seen no more, but the ships of peace, trade, and commerce move back and forth upon the broad, beautiful waters of those lakes and constitute material evidence of the fruits of peaceful industry, enjoyed by the peoples on both sides of the boundary line. The agreement that neither side should maintain armed ships on the Great Lakes has meant much to both nations. Were it not for that treaty we would have been compelled to maintain a great Navy in that quarter, one that would have cost us hundreds of millions of dollars. Its creation and maintenance would have prevented building and keeping on the ocean our present mighty fleet. Our naval strength by being concentrated on the ocean has been vastly augmented by this treaty. Russia has maintained a fleet on the Black Sea and on the ocean, and has never been a first-class sea power.

After Great Britain had completed the Suez Canal and it was opened to the commerce of the world, the world began to use it, and was amazed after half a century of its use—nearly half a century—to find that the tonnage there carried had risen to the magnificent total of about 22,000,000 tons annually.

Just before this great war broke out the commerce through the Suez Canal had increased to nearly 30,000,000 tons. The commerce through the "Soo" Canal, connecting Lake Superior with the Lower Lakes, now each year is above 90,000,000 tons, by all odds the greatest commerce to be found on any one spot in the world. At the western extremity of the Great Lakes is a city not as large in size as many on the Great Lakes, but it now has the distinction of having the greatest maritime commerce of any city in the world with the exception of one.

My good friend from North Dakota [Mr. Young] has to-day introducing a bill recognizing the one-hundredth anniversary of the event to which I have called attention, and in that bill he proposes to erect a memorial to this long period of peace and good will that has existed between the two nations. By reason of this treaty and of this period of good will the great commerce on the Great Lakes has been possible, and while we should bend every conceivable energy in the direction of making ourselves in a military way the strongest power in the world at the earliest possible moment, let us not lose sight of the fact that nations can dwell in peace and harmony without arms and without ships of war. In general disarmament alone lies the safety of small nations. For a long time we must be prepared, but I believe we can begin to see the dawn of a better day, and this example that Canada and the United States have set—I might say that Great Britain and the United States have set—let it not fade from our conscience and our thoughts in the peace days that are to follow. [Applause.] Let it be strongly suggestive to us when this greatest war in the history of man shall have ended with the complete triumph, as I believe, of the principles of humanity, Christianity, freedom, and liberty, that the day then will have come when we can begin to break up our swords and melt our cannon and dwell together, the nations of the world, in peace, good will, and harmony. Then there will in truth be realized that millennium for which we have fought and toward which we are fighting our way—the one England's greatest poet saw when he wrote "the parliament of man and the federation of the world." [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I regret to say there is an increased demand for hospital accommodations in this country for our sick and wounded soldiers returning from the fighting fields of France. It gives me satisfaction in this connection to have read at this time the letter which I send to the Clerk's desk.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,
Philadelphia, Pa., April 26, 1918.

HON. J. HAMPTON MOORE,

House of Representatives, Washington, D. C.

DEAR BROTHER MOORE: At a session of Philadelphia Lodge, No. 2, B. P. O. Elks on the 23d instant, by a unanimous vote, the trustees were directed to tender to the United States Government its home, No. 1320 Arch Street, Philadelphia, for hospital use during the war and as long thereafter as it may be required.

You being a member of No. 2 are requested to make this tender on behalf of the lodge and its trustees.

Fraternally, yours,

PHILADELPHIA LODGE, No. 2, B. P. O. ELKS,
JOHN C. BREWIN,
Secretary for Trustees.

[Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, appreciating the spirit of the Philadelphia Elks, as shown in the letter of Mr. Brewin, I have transmitted this letter to the Secretary of War and to the Secretary of the Navy, asking for their careful consideration. Philadelphia Lodge, No. 2, I believe, is the oldest lodge of the many which now make up the great body of Elkdom. It has been actively engaged during the war in patriotic and benevolent work and seeks to be of still greater service, as evidenced by this tender of its splendid headquarters for the amelioration of the condition of our sick and wounded soldiers and sailors.

I ask unanimous consent, Mr. Speaker, to extend my remarks briefly.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a telegram received from the San Francisco Labor Council, answering certain comments that appeared in the Record recently regarding the position of that body on the Mooney case.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the Record by inserting a telegram from San Francisco about the Mooney case. Is there objection?

Mr. WALSH. Reserving the right to object, the statements which the gentleman refers to were not contained in any proceedings of the House?

Mr. NOLAN. No.

Mr. WALSH. Then I object.

The SPEAKER. The gentleman from Massachusetts objects.

THE LATE REPRESENTATIVE JONES, OF VIRGINIA.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the House set aside Sunday, the 26th day of May, for addresses on the life, character, and public services of my late eminent colleague, WILLIAM A. JONES, a Representative of the Commonwealth of Virginia.

The SPEAKER. The gentleman from Virginia asks unanimous consent to set aside Sunday, May 26, to memorialize the late Representative WILLIAM A. JONES, of Virginia. Is there objection?

There was no objection.

MINERALS AND METALS FOR WAR PURPOSES.

Mr. FOSTER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 11259. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, the mining bill, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11259, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That, from time to time, whenever the Secretary of the Interior, with the approval of the President, shall find it essential to license the manufacture, storage, mining, distribution, or use of any necessities, in order to carry into effect any of the purposes of this act, and shall publicly so announce, no person shall, after the date fixed in the announcement, engage in or carry on any such business specified in the announcement of mining, manufacture, storage, distribution, or use of any necessities as set forth in such announcement, unless he shall comply with license regulations issued pursuant to this section. The Secretary of the Interior is authorized to issue and revoke such licenses and to prescribe regulations for the issuance and revocation of such licenses and requirements for systems of accounts and auditing of accounts to be kept by licensees, submission of reports by them with or without oath or affirmation, and the entry and inspection by the duly authorized agents of the Secretary of the Interior of the places of business, correspondence, papers, books, and records of licensees. Whenever the Secretary of the Interior shall find that any royalty, charge, price, commission, profit, or practice of any licensee is unjust, or unreasonable, or discriminatory and unfair, or wasteful, or causing waste, and shall order such licensee within a reasonable time fixed in the order to discontinue the same, unless such order, which shall recite the facts found, is revoked or suspended, such licensee shall, within the time prescribed in the order, discontinue such unjust, unreasonable, wasteful, discriminatory and unfair royalty charge, price, commission, profit, or practice. The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, nondiscriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order of the Secretary of the Interior shall be prima facie evidence. Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under this section, shall, upon conviction thereof, be punished by a fine not exceeding \$5,000, or by imprisonment for not more than two years, or both, and in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word. I think all of us desire that the administration may have every power that is necessary or even convenient for the successful prosecution of the war. But this bill contains many new and some very curious propositions which do not seem to be in entire keeping with either a proper legal theory or a proper carrying out of the powers conferred in the bill. The section under consideration follows to some extent the licensing provision of the food law. I wish it followed it to a greater extent than it does; because it seems to me that in the parts in which it has been changed, this section is less workable than the license section of the Food Administration law. I call attention to the fact that the first part of this section provides that no person shall carry on the business prescribed in it unless—and this is the language to which I desire to call particular attention—unless he shall comply with the license regulations issued pursuant to this section.

Now, the language to which I have called attention does not provide that a person engaged in this business shall not carry on the business unless he obtains a license, and nowhere in this section and nowhere in the law is it made an offense to carry on a business referred to in this section without obtaining a license. The Secretary is authorized to revoke a license; but how can he revoke a license if the law does not require a person engaged in the business to have a license? It seems to me that this section is obviously defective in this particular, because it is not equivalent to requiring a license to say that he shall not carry on the business unless he shall comply with license regulations issued pursuant to this section. And this is particularly true when the section does not provide any penalty for carrying on a business without a license. The final four or five lines of this section are entirely new, and I think similar language can not be found in any Federal statute now on the books. It provides as a penalty—

Mr. MOORE of Pennsylvania. Before the gentleman leaves the license feature I would like to ask him a question. Has the gentleman finished with that?

Mr. ANDERSON. I did not intend to discuss it any further at this time.

Mr. MOORE of Pennsylvania. It occurs to me that there might be a further discussion of the advisability of leaving open for private enterprise such operations as private operators might carry on during the war.

Mr. ANDERSON. Of course, under this provision, if licenses are required at all, I take it that licenses would have to be required from all of those engaged in a particular line of business. That is, a license could not be required of one man engaged in the manufacture of one of the articles specified here and not required of another man engaged in the same line of business. Licenses ought to be required of all the persons engaged in a certain line of business as a class. Otherwise this provision would obviously be without legal basis.

Mr. MOORE of Pennsylvania. I do not say that the gentleman's criticism is not justified; but here is a bill which, if it was carried out to its full length, would probably suppress private enterprise in the matter of mining and prospecting hereafter, or at least during the period of the war. Ought we to go that far? The Government is going to be the principal purchaser of the products, no doubt. If it is, it has a hold upon any man who undertakes to do business apart from the Government, by simply refusing to buy his product.

Mr. ANDERSON. Of course, the gentleman's suggestion goes to the whole policy involved in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent for five additional minutes. Is there objection?

There was no objection.

Mr. ANDERSON. No doubt the powers conferred in this bill, as was so well suggested by the gentleman from Indiana in the general debate, can be used, or can be abused, in such a way as to discourage rather than promote the production of the articles specified in it. But, of course, in the exercise of his powers under this license section the Secretary would only require a license, I take it, from the particular classes of business which it was necessary to license in order to effect the purposes of the act; and I suppose he would go no further than was necessary to effect those purposes.

Mr. MOORE of Pennsylvania. If this law applied to investments themselves rather than to the business resulting from investments, I take it that a license by the Government would effectually stop investments that were not licensed. The question is, Do you want to apply that policy so far as to have boycotted by the Government, through the license system, a man who undertakes to do business independent of the Government?

Mr. ANDERSON. I assume in all of this legislation that where you undertake to require a license you must require it of all the persons engaged in a certain line of business as a class, and that you can not require a license from one man engaged in a certain business and not require it of another man engaged in the same line of business.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, suppose the Government does not want the mine that I am operating and does not take it under this bill. I suppose it has that option. Should I not be permitted to go on with my business whether the Government licenses me or not?

Mr. ANDERSON. Unquestionably that is so.

Mr. MOORE of Pennsylvania. If I have not been requisitioned, I am forced to do business on my own account and in competition with the Government. If the Government, by not giving me a license and refusing to take my goods, leaves me stranded with my property on my hands, it seems to me to go further than we intend to go.

Mr. ANDERSON. I assume that if a man comes within the class required to obtain a license under the act, complies with the regulations laid down for that class, he would have a right to a license as a matter of law; that the Secretary could not refuse a license to any person engaged in that class of business for which a license is required, if the person complied with the regulations.

Mr. MOORE of Pennsylvania. If the Secretary could grant a license to one mine operator and refuse it in the case of a competitor, it would be an unfortunate situation.

Mr. ANDERSON. Such an interpretation and application of this provision would be absolutely invalid.

Mr. SLOAN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. SLOAN. The gentleman has taken a good deal of interest in this matter, and I would like to know, seeing it has the hall mark of war legislation, whether it comes within any recommendation, oral or written, in any message from the Executive that this is a war measure and as such is desired to be passed by this Congress.

Mr. ANDERSON. I am not a member of the committee, and I do not know what communication the committee may have had from the Executive which resulted in the reporting of this bill. I take it that it is suggested as a war measure, although I think that foundation is, as to a great many products mentioned in the bill, a very flimsy one.

Now, I want to discuss very briefly the penalty part of this section. It is provided:

Any person who willfully fails or refuses to discontinue any unjust, unreasonable, wasteful, discriminatory, and unfair royalty, charge, price, commission, profit, or practice, in accordance with the requirement of an order issued under this section, or any regulation prescribed under

this section, shall, upon conviction thereof, be punished by a fine not exceeding \$5,000 or by imprisonment for not more than two years, or both—

I have no objection whatever to that penalty. It says further:

and, in addition, shall pay into the United States Treasury the full amount of any excessive royalty, charge, price, commission, or profit which he may have received in violation of any such order or regulation.

In the first place, the penalty here imposed is so indefinite that it ought not to be contained in any criminal statute. What does excessive royalty mean? Does it mean the entire royalty which may be charged, or does it mean the royalty in case of a man—

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. I ask for five minutes more.

Mr. FOSTER. How much time does the gentleman want?

Mr. ANDERSON. I have no disposition whatever, as far as I am concerned, to delay the passage of the bill. I do think that these new and absolutely novel propositions at least require some sort of explanation from the committee, and I am simply directing attention to them in order that the committee may answer the doubts which I have expressed.

Mr. FOSTER. We will do the best we can, but we have not yet had a chance.

Mr. ANDERSON. I am going to give the gentleman a chance very soon.

Mr. FOSTER. How much time does the gentleman desire?

Mr. ANDERSON. I think we will get along just as fast if we do not undertake to limit the time at this stage of the proceedings.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I want to say to the gentleman that we spent several days on the food-control bill, and that bill was infinitely less drastic and infinitely less comprehensive and contained powers very much less broad than this bill contains.

Mr. HAMLIN. Will the gentleman yield?

Mr. ANDERSON. I will.

Mr. HAMLIN. I may suggest something that the gentleman may want to refer to. In regard to the penalty section, we had before the committee Mr. Hoover, who has been engaged in executing the law reported from a committee of which the gentleman is a member, and he said that the license section in the food bill was in a way a failure, because it did not contain any penalty except the right to revoke the license. He said that was entirely too drastic, except in the most unusual and exceptional cases. He said under that you could destroy everything in the shape of business that a man had built up for years. From his experience he recommended strongly a penalty section that might be used in lieu of the revocation of the license. And then he said if you had a fine the opportunity for profiteering might be so great that a fine of \$5,000 would be paid without any hesitation and without any loss, as the profits might be worth \$100,000. Therefore we thought that there ought to be added to it the provision that the profits he made in addition should be forfeited to the Government.

Mr. ANDERSON. I do not object to the penalty at all. I think such a penalty is entirely in keeping with the offense. I do question that the committee has so drawn the penalty as to make it a legal penalty or an enforceable penalty. In the first place, of course, if the Secretary of the Interior establishes what is a legal charge for a licensee, and a licensee charges a higher price any person injured, by that very fact, would be entitled to a recovery from the licensee of the excessive charge. Does the Government have the same right? It has no property interest in the amount which has been charged in excess of the legal standard. If this is a criminal penalty I say that its language is so indefinite and the amount of the penalty so undetermined that it ought not to be in any criminal statute in the form in which it appears here. I say that it is very doubtful at best if it does not place the individual in double jeopardy, because the amount of this penalty can only be ascertained by a judicial trial by the determination of the amount in court, and that can not be had in a criminal prosecution or a criminal trial. It would have to be determined in a separate trial for that purpose. If it is a criminal penalty, of course, if the man had already been fined or imprisoned for the act it would be double jeopardy. If it is a civil penalty, which applies only for the benefit of the person from whom the illegal charge is taken, then it is not double jeopardy, because it is simply a civil action on the part of the person from whom the excessive charge has been taken to recover the amount he is entitled to recover.

I merely direct the attention of the committee to this because it seems to me that in the form in which this penalty is now

worded it may entirely defeat the purpose that the committee has in putting it into the law and may prevent the enforcement of the entire statute.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. GORDON. Betting is made unlawful by statutes in most of the States. Does the gentleman think a penal statute which imposes a penalty of fine and imprisonment and also forfeiture of any amount won would be a double jeopardy?

Mr. ANDERSON. Forfeiture to the State?

Mr. GORDON. Yes.

Mr. ANDERSON. I think so, if it involves a separate trial for the purpose of ascertaining the amount.

Mr. GORDON. How would that affect the question of jeopardy? The second trial would be in the nature of a civil action brought by the State to recover the amount adjudged to be paid.

Mr. ANDERSON. In my judgment the State has no property right in that money.

Mr. GORDON. It can create one by statute.

Mr. ANDERSON. I do not think it could, because the Constitution provides that you can not take property without compensation, and money is property.

Mr. GORDON. You can take it as a penalty.

Mr. ANDERSON. If you take it as a criminal penalty, that makes double jeopardy.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. FOSTER. Mr. Chairman, the committee spent some time in discussing this section, and also had Mr. Hoover before it, who is the Food Administrator, and who has the administration of that law. He discussed it very freely. He said this is an important section. He believed in the licensing system to a certain extent, but he believed that everyone ought to be licensed by proclamation. His reason for that was that if that was made so it would save the work in his department of several hundred clerks.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONDON. Licensing by proclamation was intended to do away with the necessity of making individual applications for licenses.

Mr. FOSTER. Certainly. He also said this, that merely to fine a man who was profiteering in articles necessary during the war is not a sufficient penalty. He gave an illustration of one man who was operating, as I remember, a flour mill. He said a man might be making \$150,000 by profiteering, and to fine him \$5,000 would not amount to anything; that he would still have \$145,000 left; that he could pay the fine and go ahead and have that much profit.

Mr. ANDERSON. Put him in jail.

Mr. FOSTER. Yes; put him in jail, too, if necessary. But he said one of the best things suggested in this bill was that the man should give up the illegal profit that he had made; that it should be taken away from him. I think in the administration of the food law they have instituted some sort of system by which a man does give up his profit, putting it into the Red Cross or some other organization. He said that the last thing that ought to be done in this country was to take away a man's license to do business, but if you could have a provision that would take away the profit he gets in an illegal way you would accomplish better results than by fining him or taking away his license.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. ANDERSON. The question in my mind is whether this profit ought to be confiscated for the Government, or confiscated and taken in the name of the persons who have been injured.

Mr. FOSTER. That would be pretty hard to do, there might be so many of them; but it is a question whether it ought to be with the Government and go into the Treasury as miscellaneous receipts. After his experience in administering the food law, it was his judgment that to take away the excess profits would be the most effective weapon there was.

Mr. ANDERSON. I quite agree with the gentleman, and I hope it may be done, but I would like to direct the gentleman's attention to the other matter to which I referred, and that is that in this section there is no provision which requires a person to have a license before doing business, that makes it unlawful to do business without a license.

Mr. FOSTER. No; and it was not intended, possibly, that it should be. The licensing system may not be used at all under this bill. If it becomes a law it is likely that they may license nobody, but the provisions of profiteering apply just the same whether a man be licensed or not. That does not make any difference. As compared with those who are licensed under the

food bill, under this bill there would be but few who would be licensed.

Mr. ANDERSON. I would call attention of the gentleman right here to the fact that this does only apply to royalties and charges made by licensees. It does not apply to those made by anyone else.

Mr. FOSTER. They would license all of them if necessary. There are not so many of them, so that it would not take so much work.

Mr. ANDERSON. If there is no penalty against not having a license, men will not take a license. They will do business whether licensed or not.

Mr. FOSTER. Well, I do not think it is material whether there is a license or not.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. SANDERS of Indiana. This provision which requires proclamation prior to the time a person may observe the license regulations really provides for licensing everyone engaged in that particular occupation, does it not?

Mr. FOSTER. That is also true; it amounts to the same thing; but no formal license is issued.

Mr. SANDERS of Indiana. Is not there some confusion about the question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. Mr. Chairman, I ask that the gentleman be given two minutes more.

Mr. STAFFORD. Make it five minutes.

Mr. FESS. I want to ask one or two questions.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Is not the word "license" used with two different meanings, one that the license is an actual paper to exhibit the fact that a person is licensed to do a certain thing and the other is the general license which is a leave granted to do a particular thing?

Mr. FOSTER. I was coming to that.

Mr. SANDERS of Indiana. If there is a general proclamation, then everybody by virtue of that proclamation is a licensee, although he does not have a piece of paper.

Mr. FOSTER. That is right; that is the intention of the committee.

Mr. SANDERS of Indiana. And the license regulation may be issued requiring each of those licensees to comply with those regulations.

Mr. FOSTER. My recollection is Mr. Hoover said this to us, that it did not matter whether a man had a piece of paper in his hand showing that he was licensed under the food bill, but when the President, as the gentleman from Indiana said, issued his proclamation, together with the license regulations, that those are the regulations that are referred to here. The mere fact of the physical possession of a piece of paper will not amount to anything, but it will be carried in that proclamation to be issued by the President; so we added that, but it is not intended to have this license so that it should be dragged out—

Mr. ANDERSON. But is it not necessary to have in the law a provision—it does not make any difference whether you have a paper license or not—but is it not necessary to provide that no person engaged in a particular business shall continue without being included in the class that is licensed?

Mr. FOSTER. He must comply with those regulations, and no person after that date shall engage in this business without that.

Mr. ANDERSON. I do not think it does so provide.

Mr. CANNON. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. CANNON. I do not see any necessity for any license. Why do not you strike out all about license and give the President power by proclamation to do certain things? Does the gentleman suppose he would have to have a license? What is the purpose of lumbering up the bill and the law?

Mr. FOSTER. There is something in what my colleague says—of course there is—and what we tried and hoped was that by providing by proclamation of the President that he would set out the regulations, and that should cover all this section.

Mr. CANNON. You make certain things unlawful in the legislation, do you not?

Mr. FOSTER. Yes, sir.

Mr. CANNON. Then the President can make regulations by proclamation. Why do you not say so and drop all the stuff out about license?

Mr. FOSTER. That might be done.

Mr. HAMLIN. If the gentleman will permit, I think there would be some question about the right of the President to issue regulations to Tom, Dick, and Harry over the country without

by some system of licensing bringing persons under authority given to the President to regulate these different businesses. But I can see another reason. It may become necessary to examine the books of these different concerns and require certain reports to be made by certain agencies, but I think there would be some doubt about governmental agents having the right to go into a concern that is not licensed by the Government and demand the right to examine their books and investigate their accounts, and so forth, to determine whether they are making these excessive charges.

Mr. CANNON. If you give the Government such power by license, you can give the Government such power by law.

Mr. HAMLIN. Certainly; but it is just as easy to give it by license as by law or regulation, because these licenses provided here are done by proclamation and regulation, so one road seems to be as short as the other.

Mr. FOSTER. The committee was trying to get it as short as they could by providing license regulations by proclamation.

Mr. GARLAND. Mr. Chairman, I just desire to read the words of Mr. Hoover with reference to this subject.

Our view of simplifying the administrative part of this would be to alter that to the intent; that every man should be considered to hold a license under the presidential proclamation. We have the mechanical difficulty of having to receive applications from every man in a given trade, and to send him an actual document of license, as the act reads now; and at the present moment I think we have 750 clerks engaged in nothing but that purely mechanical, red-tape operation of exchanging documents with the trade; and there is nothing, to our mind, effective particularly about a man possessing a document saying that he is licensed. The presidential proclamation could carry that same intent and declare that they are all actually under license, and that then if they carried on business in violation of these practices or the regulations laid down under them, that his license to do business is rescinded. I am only trying there to get over the purely red-tape difficulty of mechanical operation.

We did believe, and I believe now, that it is necessary to have the right men working in that particular business. It shows a closer touch to the work that the Government is carrying on. Merely the proclamation making him a licensee puts him in that position. It is not necessary, then, to send documents to him and keep a great force of clerks for that purpose. But you have an opportunity to call him in in case of violation much better than you would have without that provision as to the licensee.

Mr. FOSTER. It seems to me, Mr. Chairman, the committee has gotten away from the whole license system in the formal way as far as it can get under this bill without you simply say that every man who does business shall be licensed by proclamation. There are probably not 50,000 producers, and all that, of these minerals.

Mr. STAFFORD. Will the gentleman yield?

Mr. FOSTER. Yes.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. This paragraph authorizes the Secretary of the Interior to determine what is a reasonable price for the respective minerals designated in section 1 for which licenses are to be authorized. I wish to inquire of the gentleman what determines the reasonableness of the profit stated in this paragraph, in fixing the price?

Mr. FOSTER. Well, they take into consideration the capital the man has invested in mining, the cost to secure the metals, whatever it may be, and all that, and a reasonable profit on it.

Mr. STAFFORD. The gentleman realizes that with one mine being rich in ore, the cost of operation would be very much different than in these unproductive mines not operated to-day, which would require a much higher price in order to make them a profitable venture. And I assume that the higher price that will be needed to develop the unprofitable mines to-day, so as to furnish sufficient supply in this country to meet the whole market conditions, will be the determining factor on which the price of the commodity is to be determined?

Mr. FOSTER. Oh, no; I would not think so.

Mr. STAFFORD. How else, then, are you going to develop these poor and unprofitable mines that are to-day not being utilized?

Mr. FOSTER. I will say this to the gentleman, that one of these mines might be so poor and difficult to operate that it would be unprofitable, and might make the product so high that you would not want it at all. Now, it does not necessarily mean that they are going to take every mine, however difficult it may be to get that ore or metal to the market. It does not mean that.

Mr. STAFFORD. Take, for instance, the coal industry—

Mr. FOSTER. This does not include coal.

Mr. STAFFORD. Take the actual operation by the Government in trying to fix the price of coal. They have fixed the price based upon the cost of developing the ore from respective zones of mines. They have not fixed a general price throughout the country for a certain grade of bituminous coal, but they have taken into consideration the cost of operation. As I understand, this bill is not purposed to fix different prices for the same commodity, but to fix one universal price the country over.

Mr. FOSTER. Well, of course, the price of manganese that is produced on the Atlantic coast, where probably most of it would be consumed, might be different to what it would be in a section of the United States farther removed.

Mr. STAFFORD. Possibly the cost at the place of consumption may be different, but I am asking this question: Whether it is not purposed by this bill to have one price at the mine for the same quantity the country over?

Mr. FOSTER. Why, I think so.

Mr. STAFFORD. That is not the rule as to fixing the price on bituminous coal. The department recognized the need of fixing the price conditionally, based on the cost of production, which is dependent on the difficulty of extracting the ore from the mine. However, here you are going to run wild and fix one general price, the minimum price, to develop the quantity that is necessary for home consumption, that will be the basic price, and pay that price to the owner who has a profitable mine at a lower price.

Mr. FOSTER. Oh, no. The attempt would be to fix a price that would be fair and reasonable to men who are mining this.

Mr. STAFFORD. The gentleman must recognize that the price, if it is going to be general, will apply differently to different men, unless based on the character of the ore in these respective mines.

Mr. FOSTER. The bill authorizes the fixing of these prices that will be fair and equitable and nondiscriminatory.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words in order to make a brief statement. I am asked by numerous constituents to be among the first in the field in an endeavor to "cut in" for them. They seem to feel they are going to have aid in developing mineral properties. I want to read a letter. You must understand that my district is far removed from the National Capital, and the news sometimes reaches there a little late. But the news of this bill has reached the Pacific coast, and some mail is just now coming in to me about it. This is one of the first half dozen letters which I have received:

ABERDEEN, WASH., April 13, 1918.

HON. ALBERT JOHNSON, M. C.,
Washington, D. C.

DEAR SIR: I notice in the Oregonian that Secretary Lane has recommended to Congress a bill for the purpose of appropriating funds to encourage the development of mining prospects with a view of increasing the production of certain minerals.

Manganese was first on the list. I have a manganese prospect situated near the Olympic Highway, which I have been working on for some years and which I believe the Government would do well to investigate. Kindly give this your attention.

Thanking you, I am,
Very respectfully,

Now, that is one, I say, of half a dozen letters, and the news has barely reached the miners. A short time ago in considering a bill here we declined to furnish additional secretaries to Members of the House. I am satisfied that when this bill is passed—and it is sure to be passed, inasmuch as it has the proper O. K. and is put forward as a war measure—that mail of the Members from mining States will be loaded with prospects—and many of the prospects will be loaded, also.

Mr. STAFFORD. Can the gentleman furnish any estimate as to the number of applicants from his district alone who will wish to have some Government aid in case this \$50,000,000 wild-chase project is adopted?

Mr. JOHNSON of Washington. That is an interesting question. There will be many, of course. But there comes an additional problem. In my district are three gigantic forest reserves, in which large mineral areas lie. These forest reserves are not under the control of the Interior Department but are under the Agricultural Department. I wonder whether under this bill the Interior Department, desiring to secure manganese and other semiprecious minerals and metals, will go into the sacred preserves of the Agricultural Department's great reserves, the wealth of which seems to be laid aside for posterity, war or no war?

It will become a problem between these two departments just as surely as can be, or rather between two big bureaus of two big departments. I am in hopes that when a certain bill that we learn is now under consideration in another body—the executive coordination bill—is passed, as I am sure it will be, because it, too, is O. K'd, one of the first things that the Presi-

dent will do in an effort to coordinate the affairs of this Government will be to yank the forestry business out of the Department of Agriculture and put it into the Interior Department along with the public lands, where it belongs.

I expect to renew from time to time the presentation of these requests for mineral investigations and experiments. I shall put in the RECORD the following reply of the Director of the Bureau of Mines in reply to the first mining letter:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, April 25, 1918.

HON. ALBERT JOHNSON,
House of Representatives, Washington, D. C.

MY DEAR MR. JOHNSON: In reply to your letter of April 20 to the Secretary of the Interior, transmitting a letter concerning a manganese property near the Olympic Highway, which he would like to have the Government investigate:

So far as is known to the Bureau of Mines, no branch of the Government at the present time is extending financial assistance toward mining ores or metals or developing mineral properties.

As you doubtless know, a bill known as the minerals administration bill, H. R. 11259, has been introduced into Congress. This bill is intended to assure an adequate supply and equitable distribution of ores, metals, minerals, and their by-products, which are needed in war work and which are now largely imported. By developing the domestic supplies of such substances, it is desired to release shipping to carry supplies and munitions for the Army. Manganese is one of the metals which will be affected by the provisions of this bill.

The Bureau of Mines is very much interested in this proposed legislation, as it is the belief of the bureau that the minerals administration bill, if enacted into a law, will be of great benefit to the country. Therefore I shall take pleasure in referring your request to that department as soon as it is organized, should the bill become a law.

The Bureau of Mines has a mining experiment station located at Seattle, and I am referring your request to the superintendent of that station, with the request to communicate direct with your correspondent regarding his property.

Mr. Newbury's letter is herewith returned.
Very truly, yours,

VAN. H. MANNING, Director.

Gentlemen will note that we are going to have a bureau of minerals administration. Just another bureau, that is all, with \$50,000,000 for a starter. It is put forward as a war emergency, but it will be more bureau than war emergency, as we will all find out.

Further, Mr. Chairman, when these bills come down to Congress from the department with the O. K. of the department on them, and some of them with the O. K. of the President on them, I do not see why we do not propose a better plan. Instead of certain Members having in their pockets personal letters signed by the Secretaries of different departments, Cabinet officers, or by the President, to be produced and read on the floor of the House at the psychological moment in order to press the bill over, would it not be better for the bill to have printed on its very first page the legend, "Approved by the President of the United States," or "O. K'd by the Secretary of the Interior," and then "Reported out by the chairman of such and such a committee," and thus save us all this labor and detailed discussion?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MOORE of Pennsylvania. The question has been raised here time and time again, and no one has answered whether the President is for this bill.

Mr. JOHNSON of Washington. I think he is; and if he is, it should be shown on the first page instead of waiting until it is passed by both Houses and then showing it on the last page. Let the "Approved by the President" come right along with the bill.

Mr. MOORE of Pennsylvania. I have not been able to find anybody who will tell us that the President is for this bill.

Mr. LONGWORTH. Did not the Secretary of the Interior say so?

Mr. JOHNSON of Washington. Yes. Now, Mr. Chairman, every department in this Government is striving for more power and more money. This bill involves a \$50,000,000 appropriation. I will venture the assertion that the real proponents of this bill are sitting in the gallery at this moment and that they come from the Bureau of Mines. Oh, I will vote for the bill, but I hope to see it trimmed, and I advise the holders of all kinds of dead mining stocks held by people throughout the East to make haste and dig them up from their trunks and garrets and hang onto them, because if, after having tried to develop these interests, we find them taken over or developed under Federal control and a revolving fund provided, the stock therefore may be galvanized into some value.

Mr. MOORE of Pennsylvania. Does the gentleman think these stocks will go up to par?

Mr. JOHNSON of Washington. Oh, no; from 20 points below nothing to par is too much to expect even under this bill.

Mr. STAFFORD. Does the gentleman think this is a stock-jobbing provision?

Mr. JOHNSON of Washington. Well, more jobs in a bureau, perhaps. I suggest that little cabins be built out in that country for innumerable governmental prospectors, so that they may be housed comfortably while pursuing their work. Also nice Government houses here in Washington for gentlemen who may be called here to help inflate the Bureau of Mines.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FOSTER. Mr. Chairman, I am somewhat surprised to hear gentlemen on this floor speak as they have in the last few minutes. The Shipping Board, as has been stated here, has been removing from certain foreign countries shipping that has heretofore been carrying these important minerals to this country in order that these ships may be used in the more necessary work of carrying troops and supplies to France, where they are so sorely needed. And yet men stand here on this floor—I hope they are simply trying to be humorous, and nothing else—and advocate the keeping of these ships in the foreign service, amounting to more than 400,000 dead-weight tons a year, instead of sending them where we may help to win this war, and we should develop these minerals in our own country, whether it is in the State of Washington, Oregon, California, or any other place.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. FOSTER. No; I can not now.

The CHAIRMAN. The gentleman declines to yield.

Mr. FOSTER. Now, Mr. Chairman, it has been stated here—in a humorous way, I hope—that it is a question whether the President or the Secretary of the Interior may have endorsed this bill. I take it that men who have to look after securing these necessary articles for war purposes ought to have some concern and notify Congress of their opinion as to legislation that will help to secure these necessary minerals for war purposes. It is asserted here that we are to squander \$50,000,000. If there is a proper administration of this money there will not be squandered one cent of the \$50,000,000, but that money will be turned back into the Treasury from whence it came. This is a revolving fund, to buy these necessary articles, and then when the Government sells them the money will be returned to the Treasury of the United States, so that not one dollar need be squandered in carrying out this great work.

We find to-day that it is estimated that more than 10,000,000 tons of nitric acid are necessary for the coming year. We know that they have taken off the ships and there will be after July not more than 10,000 tons of pyrites each month brought to this country, when formerly 1,200,000 tons have been brought in each year, and the amount will be cut down now from month to month and continued at 10,000 tons.

Now, Mr. Chairman and gentlemen, I have no more interest in this war than any other Member or any other American citizen—and I know we are all interested with all our souls—but I have every reason to believe that when this bill is fully understood you will stand with those officials who are endeavoring to secure these necessary minerals in our own country. If the time should come when we should be unable to secure these necessities our war operations must be very much curtailed, and it would be much regretted and would be very unfortunate for us. Everyone knows that munitions can not be made without sulphuric acid. Everyone knows that steel can not be made without manganese, and other articles that are enumerated here are essential. Some of these are used for the purpose of preparing gas shells that go to France.

Are you willing, my friends, to say now that the Government shall be deprived of these materials that make these necessary articles for the war? Are you willing to stand here in this humorous way and discuss this matter lightly when these men have stated to us, through hearings before our committee, that it is necessary that we should have these necessities for making munitions of war? I have no more interest, I repeat, than you or any other loyal American citizen in this matter, but I appeal to you because men have talked with me in the last few days who have charge of this matter and have urged the vital necessity of this legislation and asked that it be speedily passed.

Are you willing to get up here and say that this is to open up some worthless mines and make the stock of those mines worth more money; that this is to make valuable some worthless stock and bring it up to par? Are you willing to trifle with these necessary articles that enter into the production of the shells that go to the boys across the seas? If you are, defeat

this bill, and in six months' time we may be in a position where we will not have these articles to carry on the war.

I warn you that that may be the situation if you defeat this bill. These boys in France depend upon us to send to them the supplies which they need. I am determined to do all I can to see they have everything necessary to efficiently equip them. We have taken the shipping, and rightfully so, carrying these necessary minerals from foreign countries—taken the ships off that work and put them to work in carrying supplies to support the gallant soldier boys across the seas.

My friends, are you going to say now that you will take back those ships, take them from the work of carrying troops and supplies to France, and put them on the route between Spain and the United States to carry pyrites, and between Brazil and the United States to carry manganese, when these minerals can be developed in our own country in sufficient quantities if only some organization is provided and some help is given? My friends, are you going to do this? If you are, then go ahead and defeat this bill. But if you are not, let us pass this bill and give the Government the right to secure these necessary minerals that they need for war purposes. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I ask unanimous consent that the gentleman's time may be extended in order that he may answer a question.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the time of the gentleman from Illinois be extended two minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. The question has been raised a number of times on the floor as to whether or not the President approves of this bill. I find on page 11 of the hearings a statement by Secretary Lane in response to a question asked by the gentleman from New York [Mr. LONDON]:

Mr. LONDON. Mr. Chairman, the Secretary I presume has prepared this bill.

Secretary LANE. Yes; it was prepared in my office. I do not know its details. I have looked it over and given my general approval of it, and so has the President.

I should like to ask the gentleman if he knows when the President did signify his approval?

Mr. FOSTER. I do not know whether I have authority to state that; but I do know, and I say this to the House, because I think the Members out to know, in view of that statement of Secretary Lane—

Mr. LONGWORTH. Inasmuch as the question has been raised?

Mr. FOSTER. My understanding from Secretary Lane was that the President read this bill, and the Secretary states there that he gave it his approval, believing that it is urgent and necessary. The Committee on Mines and Mining took more interest in this than you have because it was referred to it, but in the end we have no more interest than you and other good American citizens. We did not initiate this legislation. It came to us through the regular channels, from those who have the business of hunting up and seeing to it that the Government is supplied with the materials necessary to carry on the work of the war. I know what Secretary Lane has said there is correct. Now, that is the fact, gentlemen, and as I say, the Committee on Mines and Mining have no more interest in this bill than you have. They have just as much interest. The Committee on Mines and Mining is anxious to do what is for the best interest of the country, as I know you all are.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman think it is unfair for Members of this House, who ordinarily would not vote for a bill of this kind, and who know they ought not to vote for it unless it is a war measure pure and simple, to inquire whether or not it has the indorsement of the President of the United States, in whom we are placing our trust?

Mr. FOSTER. The gentleman—

Mr. MOORE of Pennsylvania. The gentleman has not answered that question. He did not answer the gentleman from Ohio [Mr. LONGWORTH]. The gentleman from Ohio asked him the plain, blunt question whether the President of the United States approved this bill, and the gentleman from Illinois has not answered directly.

Mr. FOSTER. Secretary Lane says that he has approved it. That is good enough word for me.

Mr. MOORE of Pennsylvania. It seems to me we ought to back the President. If we had a suspicion that gentlemen working under the President, who can not give personal attention to all these matters, were springing a scheme upon the Congress of the United States to take out of the Treasury

\$50,000,000 or any other sum, it would be entirely proper for us to ask that question.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FOSTER. I ask for just two minutes more, and then I shall be through.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FOSTER. I want to say this, that this morning I went down to the office of Secretary Lane to talk to him in reference to the \$50,000,000, and he said to me, "Why, you can say to the House that if this is properly managed there will not be one dollar but what will be returned to the Treasury. If it is left to me, I will do my best to see it is done. It is not the intention to squander \$50,000,000, or to spend it except in this revolving fund." So he wrote a letter addressed to the Speaker of the House of Representatives, calling his attention to it. The Speaker suggested that I read it to the House.

Mr. MOORE of Pennsylvania. This is not the letter that was in the Record this morning?

Mr. FOSTER. No. This letter reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, April 27, 1918.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: The Foster bill, which is now before you, seems to me one that should receive the support of those who wish to see this country made as self-sufficient as possible at this time. Why should we use ships to bring minerals to America which are to be found here but which have not been developed because of the cheapness with which they heretofore have been produced in distant countries? This is the insistent question which seems to me to fully justify this measure. And no one knows what dangers we may run as to our supplies being cut off! This seems to me a wise measure, it may be a vital measure, and I hope for its early passage.

Cordially, yours,

FRANKLIN K. LANE.

Mr. MOORE of Pennsylvania. That brings it back to the point where we started. The Secretary is arguing this case. The Secretary is arguing the question of ships, which the gentleman from Illinois [Mr. FOSTER] argued very eloquently himself a few moments ago. Now, I want to ask him if these ships that appear to be carrying ore here do not carry back supplies to the troops on the other side?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. Do these ships go back empty?

Mr. FOSTER. They do not.

Mr. MOORE of Pennsylvania. If they do, it would seem to be a reflection on somebody in the shipping business.

Mr. FOSTER. They do not. In order to get this pyrites these ships must carry back a certain amount of coal. They carry this coal back and get the pyrites. We do the same thing with Brazil, so that they do not go back empty. We are keeping on just as few ships as it is possible to get along with between Spain and these other countries.

Mr. MOORE of Pennsylvania. The Secretary having argued this question in this letter to the Speaker, which the gentleman has just read, and it being admitted in that letter substantially, that this is an experiment, something looking to the future, would it not be fair for the Secretary to take less than \$50,000,000 with which to experiment? And if he did so, could he not come back here at any time when an emergency arises, and have the support of Congress if it was found to be necessary?

Mr. LONGWORTH. I understood—

Mr. MOORE of Pennsylvania. Let the gentleman answer that question. Why should he not take a less amount to introduce this experiment and come back again if it is necessary?

Mr. FOSTER. Perhaps that is true, but this money is not spent; it is a revolving fund. I am not saying it would not be best to do that, but it will take a good deal of money, and it will ultimately all go back into the Treasury.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINGO. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings," and in line 11, page 8, after the word "evidence," insert the words "of the facts stated therein."

Mr. WINGO. Mr. Chairman, the amendment proposed will make the language read as follows:

The Secretary of the Interior may, in lieu of any such unjust, unreasonable, wasteful, discriminatory and unfair royalty, charge, price, commission, profit, or practice, find what is a just, reasonable, non-discriminatory and fair royalty, charge, price, commission, profit, or practice, and in any proceeding brought in any court such order and findings of the Secretary of the Interior shall be prima facie evidence of the facts stated therein.

You will notice in the first part of the section you permit the Secretary to make an order declaring any price or practice as

being unfair and discriminatory, and in the next part you authorize him to make a finding as to what shall be a fair and reasonable price. Without the amendment the sentence would be senseless. We had the same thing in the food act, and attention was called to it, but it was not corrected in committee.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. MOORE of Pennsylvania. This is a matter of great consequence in the consideration of this bill from my point of view. If we are short of minerals for the United States to manufacture ammunition, would not the President under general powers conferred on him have a right to commandeer the property controlling the minerals or other products essential to the continuation of the war without this legislation?

Mr. WINGO. I do not think my amendment will change that.

Mr. MOORE of Pennsylvania. No; but I would like to have the gentleman answer my question, if he will.

Mr. WINGO. I am discussing the amendment to the phraseology.

Mr. MOORE of Pennsylvania. Suppose the Hecla mine was needed for war purposes, would not the President have the power to take it over?

Mr. WINGO. The gentleman knows the President's power as well as I do.

Mr. MOORE of Pennsylvania. It raises the question of giving additional powers by the passage of this bill.

Mr. WINGO. Assuming that the President has all the power and could send an army out here and take charge of a mine, whether it be a civilian army or a military army, send the Government agents to dig up and get manganese and these other minerals out of the ground, stripping it of all verbiage, your proposition would mean that this Government should go into the mining business.

Mr. MOORE of Pennsylvania. If we know where the minerals are—

Mr. WINGO. The gentleman has asked a question, now I hope he will let me answer it. The gentleman asked if the President has not the power, and we will assume that he has, how is he going to exercise it? He has got to go and commandeer it and appoint men who have charge of the plant as his agents. That would be true with an established industry, that would be true if we wanted to take over a coal mine or a metal mine fully developed. That would be a different proposition from a practical standpoint. I do not think the gentleman or anyone else wants this Government to go out prospecting and digging up manganese and other mineral deposits.

Mr. MOORE of Pennsylvania. If we want manganese the Government should take it.

Mr. WINGO. Will the gentleman be kind enough to allow me to answer his question. This is the second time he has interrupted me just as I got to the point where I was answering him. I know the gentleman does not intend to be discourteous; but to go over it again, I do not think the gentleman caught what I had in my mind. If the President should exercise this power he has got to use the War Department agency, go out and take an undeveloped or a not fully developed deposit, and you would have the War Department going into the mining business. I agree with the gentleman that as a last resort I would be willing to do it. But I believe the more orderly and the more practical way, and certainly from the viewpoint of our form of Government it occurs to me that the best thing to do is to allow private capital to do it, and if they need any incentive let us give them the incentive and keep the Government out of the business.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. That is the viewpoint. I think I agree with the gentleman that possibly the President may have the power, but there is a dispute as to what authority he has with reference to these things. I think this much, if you do not pass legislation the President will be compelled to use some of that power, and I think he will do what he has done in the coal business and other business—create an agency which I do not want to see created. To be frank, I think we made a mistake when we took over the coal business and did not place it under the Bureau of Mines. We would have made fewer mistakes and had a more efficient administration of it. I think if you do take it over it ought to be kept with the one branch of the Government having the technical knowledge, and which is efficient and prepared to do it with the least expense, without having another expensive bureau created.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. LONGWORTH. I assume the gentleman means by that that he would have been glad if the price fixing had been left to the Secretary of the Interior rather than to the gentleman now in control?

Mr. WINGO. Oh, I will be perfectly frank with the gentleman. I am utterly disgusted with the way the coal situation was handled, and I do not believe it would have been handled in that way if Mr. Manning, the Director of the Bureau of Mines, and his efficient force, that has every coal mine in the United States located, had been in charge. Some of the things that we have complained of I do not believe would have happened—not that Dr. Garfield has not done the best he knew how; but take any man—you have to get certain things by experience, and you can not get them in any other way.

One reason why I am standing by this bill is that it will confine our operations with reference to getting these minerals that we need for war purposes to a bureau that is already established, and not build up another bureau with a lot of expensive employees. That is one reason I am for it.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Not now. That has appealed to me as a practical proposition. I have stated two or three times that I do not like this kind of legislation, but I have agreed to it because of the emergency that confronts us, and I do not have to ask the President whether or not the situation that confronts us is an emergency. I think if any man will read the hearings—and those do not disclose all of the information that came to the committee and all of the discussions; I think if any man will read the statistical statement that I put into the Record the other day, I think if any man will take the map that is in last week's issue of the Literary Digest, showing our shipping wasted in handling these minerals, he will not need any suggestion from the President of the United States or anyone else that this is a war emergency that confronts us that has to be met in a practical manner. We must meet it as practical men. I for one am getting tired of "passing the buck" to the President. It is not fair to make him bear every load. I think the American Congress has the intelligence, and it ought to have the courage, to meet the war situations that arise without unloading on the President. [Applause.] I have not the slightest doubt in my mind that the President knows of this emergency and that he favors this kind of legislation, because he keeps up with all our war needs. It is not fair to make him, in addition to the load he has to carry as head of the executive department, also bear the load that we as legislators should bear ourselves. Every time we get a measure here that some Members do not like, they shy off like a mule with a blind bridle and somebody says, "You have got to have the President assume the responsibility or I will not vote for it." I decline to be put in that attitude. Other gentlemen can assume that attitude if they desire, and I say this without any criticism of them. I for myself am going to assume my own responsibility, and when the time comes that I have not intelligence enough to appreciate a practical war emergency that confronts my country or, having the intelligence to comprehend it and not having the courage to meet the emergency without hiding behind the President and unloading the burden on him, then I shall go out and let somebody else take my place.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield? I listened with great interest to the gentleman's powerful argument against the passage of the Overman bill, and I would like to ask him what his attitude is on that?

Mr. WINGO. Oh, I did not make any argument against the Overman bill. I was not making an argument. I was trying to show you the reasons why I was willing to support this bill and bear my part of the burden without calling up the President and asking him to assume the whole burden.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. SANDERS of Indiana. While we have been discussing this the question has come up about the Government going into the operation of these mines. In the gentleman's opinion, has not the mineral situation reached the point where we must choose one or two alternatives? Either the Government shall have to take charge and go into the business or we must adopt legislation of this character.

Mr. WINGO. Certainly; that is the point I tried to make three different times.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. ELSTON. Mr. Chairman, I object. There is a motion before the committee, and I would like to vote upon it.

Mr. WINGO. Well, Mr. Chairman, I do not care. The gentleman made a speech and asked the members of the committee to give him information. I have no desire to talk, but in behalf of the committee was trying to answer questions. I am glad that there is one gentleman, at least, who has sufficient information to vote.

Mr. ELSTON. I do not believe that the gentleman has devoted the last five minutes to an argument about the bill.

Mr. WINGO. Possibly not. The gentleman can not comprehend an argument if he hears it, and all of my remarks were prompted by questions of his colleagues.

Mr. WALSH. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from Arkansas [Mr. Wingo]. It is rather noticeable, Mr. Chairman, I think that as long as the members of the Committee of the Whole stand up here and recite pieces or read telegrams or discuss commissioned officers wearing uniforms, and various and sundry other matters that have nothing to do with this bill, the committee sits complacently by and are willing to have the discussion go on. However, the moment any gentleman gets up and seeks to criticize the bill or question the wisdom of its provisions the distinguished chairman of the committee rises and with great emphasis seeks to convey the impression that you are doing that which might give aid and comfort to the enemy. This is a measure that deserves most careful consideration, and merely because the distinguished Secretary of the Interior and an army of witnesses who appeared before the Committee on Mines and Mining say that this is the only way to control the situation is no reason why we should decline to consider the matter and discuss it and listen to debate. Every man, with possibly one or two exceptions, who appeared before that committee was biased, some because they were going to have the administration of the law or have written the measure, others because they are interested in the mining business and will to a certain extent benefit by this legislation. In my view, I believe there exists already sufficient authority under the national defense act for the President to place orders for these minerals and for him to see that those orders are filled, and if the orders are not filled because the people with whom they are placed are not financially able to do it, I submit that under the War Finance Corporation law, which we passed through this House some weeks ago, that such financial assistance can be rendered and that it is not necessary to build up here a great twin-sister organization to the food and fuel control body that has been created.

Mr. FESS. Will the gentleman yield?

Mr. WALSH. I will.

Mr. FESS. Can the gentleman inform us what progress the War Finance Corporation is making in the purposes for which it was created?

Mr. WALSH. I am not advised as to that, but it is a measure which has been passed through the House and which we were given to understand was to assist corporations, individuals, and firms in conducting business which was essential to our active and successful participation in the war, and that is all this measure seeks to do. It seeks to stimulate the production of those things which we need in furthering our war program.

Mr. FESS. And the country was impressed with the fact that the measure was imminent and ought to be passed immediately?

Mr. WALSH. Oh, no delay; there could not be any delay brooked.

Mr. FESS. My query is, whether there has been anything done even in the appointment of the commissioners?

Mr. LONGWORTH. Their names have not been suggested yet.

Mr. WALSH. I do not know as to that.

Mr. JAMES. If the gentleman will read the testimony of Secretary Lane he will find that it is not intended by this bill to render aid to prospectors. They are to go to the war-finance board. We only say to them that in case they produce so much manganese and so much other things, we will give them a price.

Mr. WALSH. Fix or guarantee the price the same as was done with wheat, and they will be in here probably from that section of the country—that is, gentlemen who are most vitally interested in this measure will be in here before the life of this Congress expires asking of us legislation to increase the price over the price that is fixed per ounce of those minerals or per ton under this act, to increase it as we were asked the other day to increase the price of wheat from \$2.20 to \$2.50 per bushel; to legislate to fix prices above that which had been fixed. Now, I believe the members of the committee ought to be willing to have this matter discussed and to listen to suggestions, and if perhaps some gentleman in making suggestions might inject a little humor into the situation, that that might be permitted without members of the Committee of the Whole House on the

state of the Union being accused of trying to stop war preparations or trying to put obstacles in their path.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I would like to see if we can not reach some agreement about closing debate on this question.

Mr. MOORE of Pennsylvania. I would like to have five minutes.

Mr. TOWNER. I would like to have five.

Mr. JOHNSON of Washington. I would like to have five.

Mr. DEMPSEY. I would like to have five.

Mr. GRAHAM of Illinois. I would like to have five minutes.

Mr. KINKAID. I would like to have five minutes.

Mr. FOSTER. On this section and all amendments thereto?

Mr. SANDERS of Indiana. I would like to have five on an additional amendment, on the one which I suggested to the gentleman a while ago.

Mr. FOSTER. That is a good deal of time—45 minutes.

Mr. JOHNSON of Washington. I will cut myself to two minutes.

Mr. KINKAID. I will cut myself to two minutes.

Mr. FOSTER. I ask unanimous consent that debate on this section and all amendments thereto close in 50 minutes.

Mr. GARLAND. Will the gentleman state who takes the time?

Mr. FOSTER. I will make it 30 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto be limited to 30 minutes, the time to be divided as follows. Now let the Chair see if he has the list correctly. Mr. HAMLIN, 6 minutes; Mr. GRAHAM of Illinois, 5 minutes; Mr. MOORE of Pennsylvania, 5 minutes; Mr. JOHNSON of Washington, 2 minutes; Mr. TOWNER, 5 minutes; Mr. NOLAN, 5 minutes; Mr. KINKAID, 2 minutes; Mr. SANDERS of Indiana, 5 minutes. Is that the list?

Mr. FOSTER. Yes.

Mr. KINKAID. I waive my time for the present.

Mr. MOORE of Pennsylvania. Will the gentlemen be recognized in that order, Mr. Chairman?

The CHAIRMAN. The tabulation of the time makes 27 minutes. The gentleman from Illinois asks unanimous consent that debate on this section and all amendments thereto shall terminate at the expiration of 27 minutes, the time to be divided among the gentlemen whose names have been read from the desk. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, this is a very important section, and this information ought not to fall upon a few ears, and I therefore make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that no quorum is present, and the Chair will count.

Mr. CANNON. If this is to be considered at all there ought to be some Members here to hear it.

The CHAIRMAN (after counting). Eighty gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Dyer	Hutchinson	O'Shaunessy
Austin	Egan	Jacoway	Overmyer
Bacharach	Edmonds	Johnson, S. Dak.	Padgett
Bankhead	Estopinal	Jones	Parker, N. J.
Barnhart	Fairchild, B. L.	Kahn	Phelan
Borland	Fairchild, G. W.	Kearns	Platt
Bowers	Fisher	Kelly, Pa.	Polk
Brodbeck	Flynn	Kettner	Porter
Browning	Focht	Key, Ohio	Powers
Butler	Fordney	Kless, Pa.	Pratt
Byrnes, S. C.	Foss	King	Price
Caldwell	Fear	Knutson	Rankin
Campbell, Pa.	Gallagher	Kreider	Riordan
Carew	Gallivan	LaGuardia	Rowe
Carter, Mass.	Gandy	Leibach	Rowland
Chandler, N. Y.	Godwin, N. C.	Lathicum	Rucker
Clark, Pa.	Good	Littlepage	Sanders, La.
Clary	Gould	Loneragan	Sanford
Collier	Graham, Pa.	Lunn	Scott, Iowa
Cooper, Ohio	Gray, Ala.	McCormick	Scott, Pa.
Copley	Gray, N. J.	McKinley	Scully
Costello	Greene, Vt.	McLaughlin, Pa.	Sells
Crago	Gregg	Maher	Sherley
Cramton	Griest	Mann	Shouse
Curry, Cal.	Griffin	Martin	Siegel
Dale, N. Y.	Hamill	Mason	Sims
Dale, Vt.	Hamilton, N. Y.	Meeker	Simp
Darrow	Haskell	Mondell	Small
Delaney	Hayes	Morin	Smith, Mich.
Denison	Heaton	Mott	Smith, C. B.
Dewalt	Heintz	Mudd	Smith, T. F.
Dies	Hicks	Neely	Snell
Doelling	Holland	Nicholls, S. C.	Snook
Doughton	Hollingsworth	Nichols, Mich.	Steele
Drukker	Hood	Norton	Sterling, Pa.
Dupré	Husted	Oliver, Ala.	Strong

Sullivan
Sumners
Swift
Switzer
Talbot

Templeton
Thompson
Tillman
Tilson
Tinkham

Van Dyke
Vare
Venable
Vestal
Voigt

Waldow
Watson, Pa.
Weaver
Wilson, Ill.
Zihlman

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, finding itself without a quorum, he had caused the roll to be called, that 266 Members had answered to their names, and that he presented therewith the names of the absentees for printing in the Record.

The SPEAKER. The committee will resume its session.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] will have to amend his request for unanimous consent. There are a number of gentlemen included in the request, and the time given me makes 33 minutes instead of 27 minutes.

Mr. FOSTER. Then I ask unanimous consent that debate on this section and all amendments thereto close at the end of 33 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Washington [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I greatly appreciate the statement so seriously made by the gentleman from Illinois [Mr. FOSTER]. I may have been a bit satirical, but I can not believe that in looking into this bill and predicting a bad future for it in its operation I am endeavoring to delay any activity necessary for the war. If I neglected to say in my remarks a few minutes ago, which is the only time I have taken on this bill which is of much importance to my State, anything of its war features, I say now that I intend to vote for it. I hope, however, that the sum of money appropriated in this bill will be greatly reduced. I hope the bill will be trimmed all around. I am inclined to think that it, like some others, has as a base just as much a desire in it for bureaucratic extension as it has as a war emergency.

As to the indorsements from the White House in regard to certain bills, I notice the last presidential indorsement we had was in the form of a letter written to some Member of the House and read here, calling attention to the fact that a certain bill was a "genuine" war measure; and a letter before that one called attention to the fact that a certain other bill was a "real" war measure. We have not had a letter stating what kind of a war measure this is—real, genuine, or ordinary. We have the statement of the gentleman that this is necessary and ought to be passed. I think that all that is needed to be done could be done under the power heretofore given to the President. I think, with these maps, and so forth, printed, showing manganese and other products in nearly all States that might be increased in production, that a great amount of the production will come up behind the war necessity; and if the revolving fund stays in we will not hear the end of this thing for years and years and years. The scheme will be continued by some means. The propaganda put out to create interest in this bill has been misleading. Owners of prospects think they are going to get what they are not going to get. The big fellows will beat them to it.

I take position with the gentleman from Illinois [Mr. FOSTER]. I feel that I am no more to blame or responsible for this bill than he is. He could not help himself. He is doing the best he can. It is put up to him by a bureau. We can not check it, correct it, or reduce it, because it is an officially O. K'd war measure. He feels it his duty to press it before the House, and I presume, just as on other bills at which we choked, we will all fall in the same box and will vote for it.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentlemen in charge of this bill have pleaded very earnestly for its passage, but thus far they have not clearly made known who is behind it. Up to date no one on the committee, including the chairman thereof, the gentleman from Illinois [Mr. FOSTER], has indicated positively that the President himself has said that this is a measure that ought to be passed as a war measure.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FOSTER. May I say this to the gentleman—and I will yield to the gentleman one more minute out of the six minutes reserved for this side—that a few minutes ago the gentleman asked whether the President approved of this bill? I say that the President does approve this bill. He called me to the telephone

a little while ago, just after I had finished some remarks. The President told me that this bill had his full indorsement.

Mr. MOORE of Pennsylvania. The President of the United States said he favored it?

Mr. FOSTER. Yes. The President of the United States said that this was a war measure and he regarded it very essential that it should become a law. He said it was necessary because ships had to be taken off from importing these materials to carry supplies to France. That ought to be done in order to carry on this war. This was a war measure and nothing else, and he authorized me to say to this House that the bill had his indorsement and he would be pleased to see it become a law at as early a date as possible.

Mr. MOORE of Pennsylvania. Mr. Chairman, have I five minutes remaining?

The CHAIRMAN. The gentleman had five minutes and then he had one additional minute, given by the gentleman from Illinois [Mr. FOSTER].

Mr. MOORE of Pennsylvania. It took a long time for us to obtain this statement from the chairman of the committee. I am glad he has seen the importance of bringing to the House authentic information on this very important point. In the eloquent speech he made a while ago he several times observed that the bill had the approval of the Secretary of the Interior. That far he went, but no further did he go. Now, he has been called to the telephone, to be told by the President in person, that the President approves of this bill as a war measure, and that, of course, will relieve the anxiety of a number of gentlemen. But the gentleman from Illinois, as well as the gentleman from Arkansas [Mr. WINCO], suggested that perhaps we were going too far in asking that the President should give his approval to a measure of this kind. Going too far when we, upon both sides of this House, have voted unlimited support to the President of the United States to carry forward this war, including the right to commandeer property and put it to war use? Going too far when no one would take the floor and say that the President backed this bill, when it appears on the face of it that it might mean the disorganization of the mining business of the United States? Going too far when it meant the creation of a new institution here, with \$50,000,000 of the people's money at the service of new agents, to destroy private business if need be? Going too far to ask the President, in whom we place our confidence, to at least let us know if he knows about this bill?

I do not think it is unreasonable when we are asked to take \$50,000,000 today, and \$50,000,000 to-morrow, and \$50,000,000 next day for purposes we would not dream of supporting in ordinary times. I do not think it is too much to ask the President's attitude on important or hazardous measures that people under the President, without his knowledge, might impose upon Congress for the furtherance of their own ends.

I do not think it is too much to ask that the President should confide in this body and say—through the chairman of the committee bringing forward an important bill like this—"Yes; this is a war measure. As Commander in Chief of the Army and Navy of the United States I deem it important that such a measure should be passed by Congress." That is not unreasonable when we are trying to work with the President.

For one, I want to vote for these extraordinary measures, if I have to, with the understanding that I am voting side by side with the Commander in Chief. I do not want to deceive the people of the United States, who are already overburdened with taxes. I do not want to permit monopolies or speculators to control this body. I do not want Herbert Hoover or Mr. Baruch, or any other individual who may come in here and take charge of a bureau, to tell this Congress what to do in this war emergency without the approval of the President. I want to know whether the Commander in Chief of the Army and Navy of the United States requires this money of the people as a war measure. When he does that, I may be satisfied to vote for it; but I do not care to take it from understrappers. It is too serious and important a matter. The people of the United States have got to pay this bill and for such errors and mistakes as may be made. If there is disorganization of the mining business in consequence of anything that may work a monopoly in this instance, then let the responsibility be shared by the President of the United States, as well as by the Congress thereof. That is a fair proposition when the administration knows so much about the necessity for this measure, and Congress knows so little.

Mr. TOWNER. Mr. Chairman, I am very much surprised indeed that the gentleman from Pennsylvania [Mr. Moore] should have failed to recognize some of the propositions involved in this bill, that should, I am quite sure, appeal to him perhaps more than to any other gentleman on the floor of this House, because the gentleman ought to recognize that this bill

is not only a bill for the purpose of commandeering property, if necessary, but it is also a bill for the protection of home industries by large bounties and by tariffs, if necessary. I want to call the gentleman's attention to the statement made by the Secretary of Commerce, which is extraordinarily good Republican protective doctrine. He says:

We know approximately what we have. We simply want to be able to say to the small man and to the large man, "Gentlemen, go further in and find out what you have. Bring it out and we will see that you are not ruined."

And then the Secretary says:

I think that is good Americanism; I think that is common sense—

And I am quite sure the gentleman from Pennsylvania will agree with that proposition—

I know we are criticized—

He says—

if we do not do it in the future.

So that this protective doctrine, of the protection of American industry, is not only for the present. It is also going to be pursued in the future. And then I want to quote a statement further from that distinguished Democrat—I presume, or at least, he is acting under Democratic authority and speaking under Democratic authority—Mr. Baruch. He says:

I believe in the end that we won't pay any more for the articles mentioned here by our advancing the money and producing them in this country, and we will also have built around us a wall that will defend us in the future, and which may have to defend us in the present.

[Applause.]

Why, gentlemen on this side of the House, I have heard gentlemen on the other side of the House cry out against the Republican doctrine of building a wall for the protection of American industries. And yet my friend from Pennsylvania [Mr. Moore] is finding fault with a bill which is thus sponsored, and which has the special indorsement now, we are told, of the President of the United States himself.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TOWNER. Very gladly.

Mr. MOORE of Pennsylvania. Of course, I have not deviated from my belief in the principle of protection, but I did not observe that the ordinary protective methods were being followed in this bill. Under the Republican system we used to tax the foreigner who sent his goods into this country.

Mr. TOWNER. Well, while the gentleman may not have deviated from the principle of protection, the criticism I make upon him is that he has not properly appreciated the indorsement given in this bill by the Democratic Party and the leaders on the Democratic side to the principle of the protection of American industry [applause] of the necessity; in fact, if we would in this country properly protect and prepare ourselves for war, of seeing that the industries of this country are properly protected. Why, listen to what the committee itself states in the closing paragraph of its report:

We should be as near independent of the world as possible in war time, and it is believed that under this bill we can secure the most of these necessities.

Ah, gentlemen, we have here the statement that we ought to protect ourselves and prepare ourselves to be independent in war time, and these other gentlemen have said that that also means preparation for peace time; so that we have this indorsement, given in this extraordinarily emphatic statement of the Democratic administration itself, of the doctrine of the necessity of protecting American industry. [Applause.]

Mr. HARDY. Mr. Chairman, I rise to address myself to the pending question, whatever it is, really to make some observations on the remarks of the last two gentlemen.

The CHAIRMAN. The understanding of the Chair was that the time was apportioned in the request for unanimous consent.

Mr. MADDEN. I hope the gentleman from Texas will find out what the pending question is before he discourses upon it.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HARDY. Apparently I can not get any time.

Mr. MOORE of Pennsylvania. No Democrat explained that the principle of protection was involved here.

Mr. KITCHIN. But is it wise to let two Republicans discuss the tariff question and fight it out, and inject it into the consideration of this pending war measure?

Mr. HARDY. I want to congratulate the gentleman from Pennsylvania [Mr. Moore] who said that he wanted to do whatever the President said he must do, and who has heretofore been so frequently delighted to charge us with yielding to the President, with being rubber stamps, and having no judgments of our own.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] is entitled to recognition for five minutes if he desires it.

Mr. FOSTER. I hope the gentleman from New York will take his time on the next section.

Mr. MOORE of Pennsylvania. Will not the gentleman use half a minute of his time to allow us to get an answer to a question?

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is entitled to five minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Missouri allow a question in his time?

Mr. HAMLIN. Yes.

Mr. MOORE of Pennsylvania. The statement of the gentleman from Iowa [Mr. TOWNER] savored somewhat of politics, which I have carefully avoided. [Laughter.] In view of the statement made by the gentleman from Iowa, I want to ask the gentleman from Missouri whether any member of the committee, on the other side in particular, gave the House any information whatever about the protective features of this bill?

Mr. FOSTER. Protection in time of war.

Mr. HAMLIN. Mr. Chairman, I am very sorry that we have gentlemen upon the floor of the House who can not approach the consideration of any subject without an allusion to the tariff or some other phase of party politics. Now, I regard this as a very serious situation. I have stated already upon this floor that this is legislation of a character that under ordinary circumstances I would not favor for one moment, and I am sincere in that. Yet, under present conditions, as I understand them to exist, I am most heartily in favor of this legislation.

I want to impress this on the minds of every Member present. We are not seeking to help any individual or any particular business, fundamentally or primarily. We are seeking to help the American people as a whole in this terrible crisis in which we now find ourselves. We are as much a part of the Army that is fighting in France to-day as the boys on the front; they form the first line and we the reserve line. If we do not back them up in every possible way by sending them the things that they need in prosecuting this war, we are just as guilty of dodging our duty and of being called slackers as a man that will attempt to dodge his duty on the front. [Applause.]

Now, we are told by men who are presumed to know—and I must assume that they do know—that the materials provided for in this bill are vitally necessary in order to furnish the things which the country needs in prosecuting the war.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HAMLIN. I have not time enough to yield.

Mr. CAMPBELL of Kansas. I simply wanted to ask, Does the gentleman, who is familiar with the mining situation in our section of the country, have any fear that some bureau of the Government will demoralize conditions there as it has the coal-mining industry?

Mr. HAMLIN. Absolutely not; I have no fear at all, because I believe that the men who will administer this law will be men of experience to start with.

Mr. CAMPBELL of Kansas. Fine!

Mr. HAMLIN. The committee was careful to provide that the administration of this law should be through the Interior Department.

Mr. CAMPBELL of Kansas. If the other bill had been under the Interior Department or the Bureau of Mines, we might not have the demoralized condition that we now have in the coal industry.

Mr. HAMLIN. I will say to the gentleman that there can be no question of politics in this proposition. I hope, and I speak earnestly and seriously, that gentlemen will not seek to inject any kind of partisanship into the consideration of this bill.

This situation stares us in the face, either it is necessary to control the things mentioned in this bill for the prosecution of this war or it is not necessary. That is all there is to it. If it is necessary I must assume, and I think most of us will assume, that the men who appeared before the committee, not interested as some gentleman said to-day, personally—men like the geologists of the State of Illinois, the State of Missouri, and the State of Wisconsin, whom I asked if they were peculiarly interested in the mining industry and they said not at all, mining engineers who said they were not interested financially in mining, national organizations of the miners' associations, the Bureau of Mines, the Geological Survey, all of these men, high-class men, patriotic men, said they had no interest in this matter personally, except as patriotic American citizens. They said that the things mentioned in this bill are absolutely necessary in the manufacture of steel guns and ammunition, and so forth, and while we had them in this country we only produced on an average 25 per cent of our consumption. They said that we need ships to carry supplies to the boys in France who are fighting this war, and we could not have them if we used them in the transportation of these minerals from other coun-

tries. We need this bill to stimulate production at home at this time. I say that we need the bill and we ought to get down to business and pass it without further delay. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. SANDERS of Indiana. Mr. Chairman, by the unanimous consent agreement I was to have five minutes.

Mr. FOSTER. That was the understanding, Mr. Chairman.

Mr. SANDERS of Indiana. I am not so particular about the time, but I want to offer an amendment.

The CHAIRMAN. The Chair does not have that noted on his minutes.

Mr. FOSTER. I ask unanimous consent that the gentleman from Indiana have five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Indiana [Mr. SANDERS] have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Now, Mr. Chairman, let us have a vote on the amendment pending before the House.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. Wingo].

Mr. CANNON. Let us have the amendment reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 7, line 10, after the word "order," insert the words "and findings." In line 11, the same page, after the word "evidence," insert the words "of the facts stated therein."

The CHAIRMAN. The question is on the amendment.

The question was considered, and the amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 18, after the word "business," strike out the words "correspondence, papers, books, and records."

Mr. SANDERS of Indiana. Mr. Chairman, the words I seek to have stricken out do not appear in the section of the food bill from which this section is almost an exact copy. I think it grants power and authority to agents which ought not to have been granted. There is no apparent necessity for the general power to examine the correspondence, papers, and books of the licensees. They have ample authority in former parts of the section to find out all about the accounts and get data concerning accounts, and of getting sworn statements in reference to the accounts. I think this permission to go into the correspondence, books, papers, and records is a power that ought not to be given in this section.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Mr. Chairman, I suggest to the gentleman that if he take out the language which his amendment would remove from the bill and leave that remaining it would read, beginning on line 18, "the Secretary of the Interior of the places of business and records of licensees."

Mr. SANDERS of Indiana. That should be "licensees."

Mr. LONGWORTH. That is a mistake in the bill, is it not?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. Then that ought to be corrected.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to include in my amendment the correction of the spelling of the word "licensees."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. HAMLIN. Does not the gentleman think this provision ought to remain in the bill? In other words, that it would do no harm to have it remain in the bill? Can he not conceive that a condition might arise whereby it would be vitally necessary for the Government to have the right to examine the books, records, correspondence, and so forth, of some of these concerns to ascertain whether they have made or are making correct returns of their business transactions?

Mr. SANDERS of Indiana. The Government has the right to require a verified statement of these facts; and then if the licensee who made that verified statement committed perjury, the Government would have the usual procedure in cases of perjury. I think this is an unusual and extraordinary power, especially in view of the fact that it is granted not only to the Secretary of the Interior, but to any of his agents, and it might be delegated to some person that the Secretary of the Interior never heard of.

Mr. HAMLIN. If a man makes a correct statement and there are no suspicious circumstances connected with the report made, this provision, if allowed to remain in the law, would not be exercised and would, therefore, do no harm; but in case there should be suspicious circumstances surrounding a given case, I think the Government ought to have the right to examine the books. That privilege would not hurt anyone if they have made correct reports. I believe it ought to remain in.

Mr. SANDERS of Indiana. I know; but this authorizes any petty agent to use oppressive power, and it ought not to be granted.

Mr. HAMLIN. "Any duly authorized agent," it says, "of the Secretary of the Interior."

Mr. SANDERS of Indiana. Yes.

Mr. HAMLIN. I do not think that the Secretary of the Interior would authorize some petty agent in the sense that I think the gentleman used that expression—some irresponsible agent.

Mr. SANDERS of Indiana. Oh, no. A petty agent does not mean an irresponsible agent necessarily, but a petty agent means some agent having minor authority, who might in the course of administering the bill be granted this authority as far as the bill is concerned, and the Secretary of the Interior may never have heard of him. He might not have considered his qualifications with reference to this power, and yet this power might be given to him. I think it is an unreasonable and an oppressive power.

Mr. HAMLIN. I think that if these concerns make a fair and true return that this provision in the bill will not hurt anybody.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 38, noes 35.

Mr. SANDERS of Indiana. Mr. Chairman, I demand tellers. Tellers were ordered; and the Chair appointed Mr. SANDERS of Indiana and Mr. HAMLIN to act as tellers.

The committee again divided; and the tellers reported—ayes 46, noes 47.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, in view of the fact that the amendment has been defeated, I suggest that the word "licenses" as it appears in the bill should be changed to "licensees."

That modification was included as a part of the amendment.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the word "licenses" be changed to "licensees" in line 19, page 6.

Mr. RAKER. Mr. Chairman, reserving the right to object—

Mr. FOSTER. Oh, object, if the gentleman is going to.

Mr. WALSH. I demand the regular order.

The CHAIRMAN. Is there objection?

Mr. RAKER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Is this section open to amendment?

The CHAIRMAN. It is.

Mr. RAKER. And discussion?

The CHAIRMAN. It is not.

Mr. RAKER. I have no objection to the amendment.

Mr. FOSTER. I offer it as an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 19, strike out the word "licenses" and insert the word "licensees."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That necessities shall be deemed to be boarded within the meaning of this act when either (a) held, contracted for, or arranged for by any producer, manufacturer, wholesaler, retailer, dealer, or other person in a quantity in excess of the reasonable requirements of his business for use or sale by him for a reasonable time, or reasonably required to furnish necessities produced in surplus quantities seasonally throughout the period of scant or no production; or (b) withheld, whether by possession or under any contract or arrangement, from the market by any person for the purpose of unreasonably increasing or diminishing the price.

Mr. LONDON. Mr. Chairman, the only possible justification for this bill is the attempt to save a part of the tonnage now required for the importation of these various minor minerals. In order that the distinguished ex-Speaker may feel sure that there is no attempt on the part of the Government to stealthily introduce the principle of socialism into the mining industry—

Mr. CANNON. If the gentleman will yield, I would say that I did not have that in my mind.

Mr. LONDON. I desire to call his attention and the attention of other Members of the House to the testimony of Mr. De Wolff, State geologist of Illinois and president of the Association of American State Geologists. It appears that this bill was originally prepared some time in July of last year; that a few months after the beginning of the war they began to think of stimulating production. The bill traveled from group to group, and the geologists got hold of it in November. It was originally drafted by the office of the Secretary of the Interior, with the cooperation of the war minerals committee. It came to the State geologists in November, and the following interesting fact developed, that originally this bill included the larger metals and minerals, but, as explained by Mr. De Wolff, the National Association of Mining Engineers insisted that these larger metals and minerals be excluded. Had the more important metals and minerals been included there might have been some justification for the suspicion that Government control is in contemplation.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. Pardon me; I have only a few minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. LONDON. The National Association of Mining Engineers insisted that this bill be confined to minor minerals. In answer to my question Mr. De Wolf said this:

Mr. LONDON. The State geologists are all public agents, employees of the State governments? The Society of Geologists—of State geologists—are all public servants?

Mr. DE WOLF. State servants.

Mr. LONDON. While the members of the Society of Engineers are engineers employed by various interests?

Mr. DE WOLF. And in consulting practice; they are men of extended experience in the industry.

According to Mr. De Wolf, the bill in its original form included all minerals, and it provided as a last resort the taking over and the operation of the mines by the Government.

So we had this situation: That the State geologists, who are public servants, had no difficulty in approving the principles of this bill, while the Society of Engineers, associated with private interests, opposed the inclusion of the principal metals and minerals. So you see there is very little of the socialist principle about this proposition.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GRAHAM of Illinois. Does the gentleman remember that when the food-control bill was being considered in this House the lady from Montana [Miss RANKIN] offered an amendment including metalliferous mines in the food-control bill, and that those who sponsored that bill and the administration leaders in the House at that time were opposed to that amendment?

Mr. LONDON. I do not recall that particular instance. The point of it is this, that the hope is held out that this bill will encourage the production of minor minerals. Whether it will or not only heaven knows.

I do not know how attractive the price must be in order to encourage the production of minor minerals. That is all there is to this bill, and that is the difference between the powers conferred by this bill and the powers conferred upon the Government by the defense act. Under the defense act the Government may commandeer something which is in existence. This is to produce larger quantities of necessary articles.

Mr. GOOD. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. GOOD. Does the gentleman contend that we need all these minerals that are specified here in larger quantities than they are produced?

Mr. LONDON. One of the best known metallurgists in the country appeared before the committee. It looked as if he took the dictionary and enumerated every mineral he could find in it. I do not know how many of them are essential for war purposes. He went through the alphabet. But we will be told anyway that it is impossible to give us detailed information, because they can not disclose the particular use to which these minerals can be put.

Mr. DEMPSEY. Mr. Chairman and gentlemen, this bill is intended, as I understand it, to encourage the production of the smaller and rarer metals. It does not include gold, silver, lead, or zinc.

Mr. FOSTER. Or copper.

Mr. DEMPSEY. Or copper, but it does include the rare kinds of metals. The need for encouraging their production has arisen in two ways. It has arisen, first, because of the scarcity of shipping to bring these metals into this country

from Brazil, Spain, India, and Turkey. We can not afford to spare the shipping for that purpose. For instance, it is estimated that manganese alone will fall short in domestic production 500,000 tons in the coming year. It is estimated also that each ton of manganese that we import means 5 tons of shipping, so you will see that means a total of 2,500,000 tons of shipping. And that is a single article—only one in the list of things that are needed. So the first reason for the bill is that we need this shipping. Now, let us see just a moment. Go up and down the list of the necessities of this war. State them all, and you will find that the one thing that stands out as the primary requisite is shipping. You may talk about food, you may talk about soldiers, you may talk about munitions and cannon and supplies, but when you have gone over the list from top to bottom, from beginning to end of the alphabet, you find in the end that shipping is the primary need, and this bill tends to answer that need, because it will release ships from importing these various metals by speeding up their production in this country.

The second reason is this: We want in this country, so far as we can, to be self-sufficient for the purposes of carrying on the war. We do not want to have to resort to the other countries, because we do not know what the necessities and needs of the hour may be. We can not tell how conditions may change. We can not tell why and how it may become impossible, or how it may become difficult, to import from a given country; and we want here in our own midst, where we have these things, to produce them in sufficient quantities to meet the exigencies of this great world war.

Now, they answer us in this way: They say first that the War Finance Corporation can take care of this proposition. I say no. Why not? The War Finance Corporation is intended to finance existing corporations which are doing a solvent, good business. It is intended simply to assist them in this crisis, not because they would need help under ordinary conditions, but because of the fact that the war stress is such that any corporation which has an established business and which is able ordinarily to finance itself, needs help in these times. It is not intended at all, through the War Finance Corporation, to assist prospecting, to assist experiment, to develop a new business. And that is the purpose of this bill. It is to foster and create a business which does not exist, to send out the pioneers, to develop that which is new, that which is untried, and to make men secure in the development of it by saying to them, "While your prospecting and experimenting are uncertain, as to whether if you were left to yourselves you could make a return upon your investment, we will guarantee such a price as will give you an insured and adequate return, because it is the need of the Nation that calls upon you, and it is because of the war that we need to have you develop this industry, and the war need makes a Nation need, and justifies the Nation in guaranteeing the price." [Applause.]

Mr. CANNON. Will the gentleman yield?

Mr. DEMPSEY. I yield to the gentleman from Illinois.

Mr. CANNON. The only real shortage that we have, the gentleman will agree, that amounts to anything, is in manganese.

Mr. DEMPSEY. Yes.

Mr. CANNON. The bulk of that is produced in Montana. Now, as it has been multiplied by 6,000 per cent in the last five years, and will be more than doubled this year, over last year; does the gentleman think that you can take a man and say to him, "We will give you a fixed price for the manganese that you will produce"? When he has not the machinery he must get it, which means transportation; and that same guarantee must go to the Colorado Ryan properties that produce manganese.

You can not make fish of one and fowl of another. What would the expenditure be?

Mr. DEMPSEY. It is absolutely impossible, if the gentleman will permit, to say how the bill will work out in detail; but I say that we do face the fact that if we do not remedy the shortage of 500,000 tons we are going to use two million and a half tons of shipping that should be used to send boys, cannon, and supplies abroad. If we can do it in this way, and I believe we can; if we can help to do it in this way, and we surely can, we should make the experiment. It is not only justified but required. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I ask that the gentleman have one minute more, as I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRAHAM of Illinois. The statement the gentleman has just made to save ships appeals to me. If this bill were passed, does the gentleman have any reason to believe from anything he knows that it would in the near future relieve our stringency in that respect; that is, during the present season, when we need the ships so badly, will the passage of the bill give us more ships?

Mr. DEMPSEY. I can answer the gentleman by stating what the gentleman's colleague [Mr. CANNON] has just said. We have grown from the production of 4,000 tons manganese to 240,000 tons in the incredibly short time from 1913 to 1917. If we can grow in production in that short period of time—and we are going to double it this year—why are we not going to relieve the shipping and relieve it speedily? Statistics show that there has been that surprising and that amazing growth.

Mr. GRAHAM of Illinois. Of course, if we can spend \$50,000,000 and get ships in that way, it is just as easy as to spend it in building them.

Mr. DEMPSEY. Of course it is; and at the same time it answers the other purpose of the bill, which is making ourselves self-sufficient in producing within our own borders and from our own territory all those things essential to the war, and not leaving us to depend on foreign territory and its uncertainties and changes that are rapidly evolving in this world-wide war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. The testimony from the Shipping Board is that we will save from three to four hundred thousand dead-weight tons of shipping this year.

The CHAIRMAN. The time has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 7. That whenever any necessities shall be hoarded as defined in section 6 they shall be liable to be proceeded against in any district court of the United States within the district where the same are found and seized by a process of libel for condemnation, and if such necessities shall be adjudged to be hoarded they shall be disposed of by sale in such manner as to provide the most equitable distribution thereof as the court may direct, and the proceeds thereof, less the legal costs and charges, shall be paid to the party entitled thereto. The proceedings of such libel cases shall conform as near as may be to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. It shall be the duty of the United States attorney for the proper district to institute and prosecute any such action upon presentation to him of satisfactory evidence to sustain the same.

Mr. ROBBINS. Mr. Chairman, I have an amendment which I wish to offer to perfect the text.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be limited to 20 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on this section and amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. ROBBINS. Now, Mr. Chairman, I offer my amendment. The Clerk read as follows:

Page 8, line 11, after the word "six," strike out the word "they" and insert the words "of this act the person, firm, copartnership, or corporation so holding the same," so that it will read:

"That whenever any necessities shall be hoarded as defined in section 6 of this act the person, firm, copartnership, or corporation so holding the same shall be liable to be proceeded against in any district court of the United States within the district where the same are found."

Mr. FOSTER. I think that is all right.

Mr. ANDERSON. I want to call attention of the chairman of the committee to the fact that this is a proceeding in rem and not in personam.

Mr. ROBBINS. I know that very well. I know that it is a proceeding "in rem," but it ought to be "in personam." If you read the section you will see that this is a proceeding against the ores or minerals wherever found, and then down in line 15 you will see the word "they," which refers to the minerals, and in line 19 you will see the word "party" is again used, providing that after paying the cost and charges the surplus shall be paid to the party entitled thereto. Then in line 21 you find this provision: "Except that either party may demand trial by jury of any issue of fact joined in any such case."

I submit that this section ought to be a proceeding "in personam" and not a proceeding "in rem," because this is a section that seeks to enforce the preceding section. The preceding section, section 6, refers entirely to the hoarding of these metals. The penalty for hoarding these metals is to proceed against the firm, person, or corporation that hoards them. They are the people guilty in this act, and they are the people against whom the proceedings must be instituted. This idea of going and searching out the "thing hoarded" and allowing the thing or minerals hoarded to appeal where a question of fact is raised makes it ridiculous.

Mr. LONDON. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LONDON. The proceeding against the person is in section 8.

Mr. ROBBINS. That is a criminal section and proceeding, and is a different thing. The proceeding in this section is a proceeding "in rem" against the thing which is analogous to a proceeding in law against real estate, the foreclosure of a mortgage. Here you are proceeding against a man for hoarding goods, and it is a proceeding against the person for a violation of the provisions of the statute.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SANDERS of Indiana. Suppose a person should be located out of the jurisdiction. Suppose the hoarding of goods should be in one State and the person should be in another State, would you have the proceeding against the person?

Mr. ROBBINS. Oh, there is a method provided by statute for suits against persons who are absent from the jurisdiction of the court. Service is had by publication and a foreign attachment proceeding.

Mr. SANDERS of Indiana. That is a statutory proceeding.

Mr. ROBBINS. Of course, there is a United States statute providing for that. The trouble about this section is that it could not be enforced. This is an attempt to set up a proceeding in admiralty, which pertains to proceedings against boats and ships. Here your proceeding is against the person, the firm, or the corporation that acquires this metal in bulk and holds it, and hoards it, for the purpose of increasing the price to the Government or to the manufacturers who are manufacturing war materials for the Government.

Mr. LONDON. Is not the object to get hold of the thing hoarded rather than to punish the person in an action for damages? The object of this section is to get hold of the very thing that the Government needs. So it is an action not only in law, but the spirit of it is that it is against the thing for the possession of that thing.

Mr. ROBBINS. You get control of the mineral when you proceed against the person hoarding it and seize the mineral or ore he is hoarding.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. STAFFORD. Apart from the amendment that the gentleman has offered, may I inquire his view as to whether we are justified in passing a provision of confiscation, as this paragraph provides, that does not regard the constitutional provision of not taking property without due compensation?

Mr. ROBBINS. This statute is a war measure. No person in this House, it has been reiterated over and over again, would vote for it under any other circumstances.

Mr. STAFFORD. Does the gentleman believe that the constitutional protection and guaranty of not taking property without due compensation does not apply in time of war as well as in time of peace?

Mr. ROBBINS. I will answer the question by saying that this section provides specifically for trial by jury, and that is the only provision that saves this clause from being absolutely in the teeth of the Constitution.

Mr. STAFFORD. It provides for the confiscation and sale at any figure which may be received at public auction.

Mr. ROBBINS. If it be sold at public auction, that would be due process of law, and would, if fairly conducted, obtain for the owner fair and just compensation for the minerals or ore seized and taken from him.

Mr. GOOD. Mr. Chairman, I am considerably disturbed with regard to this measure. I want to vote for and support every measure that is necessary for the prosecution of this war. I think that is the duty of every Member of the House, and it is to the credit of the membership of this House that everyone is performing his full duty, and if there is a disloyal Member of the House I do not know his name. The support which the administration has had by the membership of this House upon every bill that has been put forth as necessary for the successful conduct of the war has been remarkable. But I do not want to vote for a bill that has that for its purpose, if we already have some other law on the statute books through which we can accomplish the same purpose. I do want to vote against those bills that have for their object the building up of new departments and a big personnel in them at tremendous expense, the creating of new offices with large salaries, when we can accomplish the thing that that organization would accomplish without that expense.

Let us take the bills that we have already passed—I do not care which one you take, you will find unusual powers. There

are a number of bills giving the President all the power this bill grants. Here is the food bill. It provides as follows:

SEC. 12. That whenever the President shall find it necessary to secure an adequate supply of necessities for the support of the Army or the maintenance of the Navy, or for any other public use connected with the common defense, he is authorized to requisition and take over, for use or operation by the Government, any factory, packing house, oil pipe line, mine, or other plant, or any part thereof, in or through which any necessities are or may be manufactured, produced, prepared, or mined, and to operate the same.

Then, further, there is this other provision in section 10:

That the President is authorized, from time to time, to requisition foods, feeds, fuels, and other supplies necessary to the support of the Army or the maintenance of the Navy, or any other public use connected with the common defense, and to requisition, or otherwise provide, storage facilities for such supplies; and he shall ascertain and pay a just compensation therefor.

What broader powers could we give than the power we have given in that act? Does anyone contend that that does not give the President power to purchase these metals? Take the act of June 3, 1916, providing for further and more effectual provision for the national defense. Here, again, we gave the President the power not only to reach out and commandeer property that may be necessary for the prosecution of this war and at a price which he said was fair and reasonable, but if the supply is not sufficient we gave him power to force an increased production. Take the things that are mentioned here in the remarks of the gentleman from Arkansas [Mr. Wixom], which he placed in the RECORD. I understand there is not one of those minerals that we do not produce some quantity of in the United States. Is there a man here who says that the President can not go out and buy all that is necessary, either for the Army or the Navy or for any public use, under the authority which he now has?

Mr. FOSTER. Where would you get cobalt?

Mr. STAFFORD. In Canada.

Mr. FOSTER. I said in the United States.

Mr. STAFFORD. Does the gentleman desire to produce a home-market condition, justifying large prices for cobalt, if it can be secured in Canada?

Mr. FOSTER. The gentleman from Iowa said all these could be produced in the United States.

Mr. GOOD. If they can not be produced in the United States then the bill does not affect them, because the bill only affects those things that can be produced in the United States. If you are going to release this vast tonnage in shipping you must find the things you want right in the United States or Mexico or Canada. What is more to the point, if we need cobalt, why does not the President buy it in Canada? He has the authority and the money, and he can pay any price and no one can object.

Why, if you want manganese, if you want a million tons, the President has the money appropriated by Congress to buy it, and he has authority to purchase all that can be produced. No one can prevent his purchasing it where ships will not be necessary for transporting it.

If you wanted antimony the President has had authority to purchase all that is necessary either for the Army or the Navy, or what the steel companies need for public use and he can pay any price which he may elect to pay. What more authority do you want than this?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I would like to have five minutes more.

Mr. HAMLIN. Mr. Chairman, I understand the time is limited.

The CHAIRMAN. The time was fixed by agreement.

Mr. GOOD. I understood there was 20 minutes.

Mr. FOSTER. How much time is there remaining?

The CHAIRMAN. Ten minutes has been used.

Mr. GOOD. Mr. Chairman, I have not taken up the time of the committee, and can conclude in five minutes.

Mr. STAFFORD. Mr. Chairman, I understood the gentleman was to have 10 minutes. He said he desired 7 or 8 minutes.

Mr. FOSTER. He said five.

Mr. STAFFORD. He expressed himself as wanting seven or eight minutes.

Mr. GOOD. Let me have another five minutes.

Mr. STAFFORD. Mr. Chairman, I will yield my time to the gentleman in order to allow the gentleman from Illinois to have his five minutes.

Mr. FOSTER. No; go ahead.

The CHAIRMAN. What is the result of the agreement on the floor?

Mr. STAFFORD. I understood five minutes would be reserved for me, and I will yield that to the gentleman.

The CHAIRMAN. The gentleman from Iowa is recognized for five additional minutes.

Mr. GOOD. Now, Mr. Chairman, this is rather a belated excuse for something that side of the House should have done. When you passed the Underwood bill before the outbreak of the war, when you took off the duty of \$2.50 a ton on ferromanganese and placed it on the free list, then you desired to discourage production in metals. The certain metals schedule was similarly dealt with. The result was discouraging to American producers and encouraged production abroad. Now you wish to encourage American production again.

Mr. HAMLIN. Will the gentleman yield there? Did not the gentleman just a moment ago say we ought not to pass this bill provided we could get cobalt from Canada?

Mr. GOOD. Now, Mr. Chairman, that is a lame excuse for your taking off the duty on the product of the American miner who was producing these metals and then when we find we are in war and need them to reach out and ask the poor washerwomen and the banker alike to buy liberty bonds in order that you may rehabilitate the industries that you have destroyed.

Mr. HARDY. Will the gentleman yield?

Mr. GOOD. I can not.

Mr. FOSTER. Let us not have politics, this is a war measure.

Mr. GOOD. Yes; it is said that this is a war measure, but I am inclined to think it is unnecessary. It will provide many jobs for deserving Democrats and to that extent it may be a war measure, but the power granted is already vested in the President. I regret that that side of the House was not far-sighted enough before the war, when we told you that you needed American production, that you ought to produce in America everything that could be produced that we use or could use, and yet you destroyed those industries and now you reach out and ask \$50,000,000 to rehabilitate them. Protection would have saved them at the expense of the importer. No, gentlemen of the committee, there is not a power granted in this bill, except the authorization for an appropriation and the additional power to create a new department, that has not already been granted the President. Ah, if it is true that we could release thousands upon thousands of tons of shipping by purchasing these things of the American miner, then I say to you the fault is not with the House, the fault is not with Congress, the fault is in the correct exercise of these broad powers that we have granted.

Long ago you ought to have been producing manganese, antimony, and these things that you say you want to produce here in America. The President had the power to purchase. The first thing we did after we declared war was to give the President \$100,000,000 to purchase things of this kind. Of course, this vast tonnage of ships should be released. It should be released at once. Do not wait for this authority; exercise the authority already granted and buy them at once. The authority and money have already been granted. Almost a year ago we granted this authority, and it should have been exercised long ago. We should have been buying antimony and manganese and bismuth—and all those things which you say you are going to buy, if this bill becomes a law—for a year. You have needed the ships all year. The President has the power to buy them now, at any price he may fix. He has the money in his hands with which to buy them, and there is no limitation on the price that he can pay. Why not exercise this power? Why create more useless offices, the salaries of which drain the substance of the people? [Applause on the Republican side.]

Mr. FOSTER. Mr. Chairman, the gentleman from Iowa [Mr. Good] has voted in this House, as other Members on that side have, for the support of the administration in this war. They are to be commended for doing that. I am not here to find fault with any man. They have loyally supported the administration in the carrying out of its war policies; but I do regret, my friends, that the gentleman from Iowa should see fit, upon the pretext of criticizing this bill, to find fault with things that he thinks should have been done a long time ago. The gentleman speaks of the President having \$100,000,000 with which he could have bought cobalt, antimony, pyrites, manganese, and these other articles. The President has no power under the law to buy and sell those articles.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. FOSTER. He can buy but he can not sell them.

Mr. CAMPBELL of Kansas. He exercised power, I understand, by buying a lot of old junk in a hole in the ground up on Fifteenth Street.

Mr. FOSTER. The gentleman from Kansas upon this war measure, when it is necessary to secure some legislation for

carrying on the war, sees fit now to lug in some other proposition on which he desires to criticize the President, and yet protests his loyalty to the Government at the same time. I am sorry, my friend—

Mr. CAMPBELL of Kansas. But the gentleman says—

Mr. FOSTER. I did not yield to the gentleman.

Mr. CAMPBELL of Kansas. Does the gentleman yield?

Mr. FOSTER. No; I do not.

Mr. CAMPBELL of Kansas. The gentleman does not say that he could not, under the power that he has now, buy these needed war materials?

Mr. FOSTER. I will say to my friend from Kansas, if he will contain himself until some opportune time comes, when the House may be considering a proposition that is not as vital a war measure as this is, he can say what he likes in criticism of what the President has done if he thinks that there are things to do. But I do submit that under the guise of criticizing this bill and protesting their loyalty at the same time, they should not find fault with the President because he did not commence some time ago to buy \$100,000,000 worth of pyrites, buy \$100,000,000 worth of manganese, and do all those things. Supposing the President had done it? The same gentleman would have been here criticizing him because he had spent money for that purpose. I have no doubt about that. Let us be fair. I hope I have not been partisan in this House, and very few Members of this House have been partisan. I do not know that I call to my mind one. But I do submit that it is not the proper thing now to criticize the President in this way. Let us put this measure through. Let us not have it said six months from now that the Government is short on these materials because Congress failed to do its duty in helping to secure these necessary materials.

Mr. GOOD. Now, the gentleman is willing to admit that the President has power to purchase all of the things that are contemplated to be secured under this bill?

Mr. FOSTER. No; I do not think he has.

Mr. GOOD. Does the gentleman think now that the President would not have authority to purchase under the food bill or under the Army reorganization bill?

Mr. FOSTER. I think he might have the right to purchase or commandeer some of these articles, but I doubt he has the power to do all these necessary things provided in this bill to secure all of them.

Mr. GOOD. Not under the food bill?

Mr. FOSTER. He must take care of industrial uses in this country, too.

Mr. GARLAND. Will the gentleman yield right there?

Mr. FOSTER. I yield to my colleague.

Mr. GARLAND. I was going to ask the gentleman from Iowa, as to this far-sighted policy that he refers to, if he himself ought not to have exercised it a little when he voted for the manufacture of armor plate by the Government, inasmuch as the country has to have manganese?

Mr. JOHNSON of Washington. In regard to manganese, there are all kinds of it in the forest reserves owned by the Government. Can we not get it?

Mr. FOSTER. We can if we pass this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. HAYES. Mr. Chairman, can we not have it reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again reported.

Mr. ROBBINS. Mr. Chairman, after a conference with some of the gentlemen in charge, they claim that this is to be a proceeding in rem; and as I have no desire to change the proceeding if they insist on it, I withdraw the amendment with that understanding.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw the amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

SEC. 8. That any person who, in order to enhance the price of necessities, willfully destroys any necessities for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding \$5,000 or imprisoned for not more than two years, or both.

Mr. ANDERSON. Mr. Chairman, I move to amend by striking out in lines 3 and 4 the words "in order to enhance the price of necessities."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 9, lines 3 and 4, strike out the words "in order to enhance the price of necessities."

Mr. ANDERSON. Mr. Chairman, there seems to be a duplication of words in this section. As it now reads it is as follows:

That any person who, in order to enhance the price of necessities, willfully destroys any necessities for the purpose of enhancing the price or restricting the supplies.

I submit to the gentleman that language ought to go out.

Mr. FOSTER. That print is from the old bill. We did change that, but the printers did not get it.

Mr. JOHNSON of Washington. Have you not a paragraph that is in line with the bill passed the other day for the destruction of war material?

Mr. ANDERSON. Substantially so.

Mr. JOHNSON of Washington. With the same form of punishment?

Mr. ANDERSON. With the same form of punishment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. ANDERSON].

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. I do so in order to ask the chairman whether anywhere in the proposed law he has defined what are "necessaries."

Mr. FOSTER. Yes. These articles are defined to be "necessaries."

Mr. FESS. It is limited to them?

Mr. FOSTER. Yes.

Mr. FESS. I thought you would not put it in a criminal statute without defining it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That any person who conspires, combines, agrees, or arranges with any other person, or who aids or abets any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities; (b) to restrict the supply of any necessities; (c) to restrict the distribution of any necessities; (d) to prevent, limit, or lessen the manufacture or production of any necessities shall, upon conviction, be fined not exceeding \$10,000 or be imprisoned for not more than two years, or both.

Mr. SANDERS of Indiana. Mr. Chairman, I move to insert, after the word "who," in line 8, page 9, the expression "in order to enhance the price of necessities."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the words "in order to enhance the price of necessities."

Mr. SANDERS of Indiana. Mr. Chairman, it is my opinion that the committee, when it finally agreed upon the bill, had that expression in section 9, and inadvertently it was put in section 8; and I am seeking to put in this section the expression that was stricken out of section 8 by the gentleman from Minnesota [Mr. ANDERSON].

Section 9 enumerates numerous things—(a), (b), (c), and (d). The first, (a), is to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities; (b) is to restrict the supply of any necessities; (c) is to restrict the distribution of any necessities; (d) is to prevent, limit, or lessen the manufacture or production of any necessities.

Now, it may easily be imagined that any one of those things might be done without having any unlawful purpose in view, but if the expression "in order to enhance the price of necessities" is inserted after the word "who," it will make the section a proper criminal statute.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. FESS. Can the gentleman conceive of a condition where any of these things might be done unlawfully that would not fall under your classification in order to enhance the price?

Mr. SANDERS of Indiana. I can not conceive of any such condition. On the other hand, I can conceive how you might agree to restrict the supply for a legitimate purpose.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WINGO. What language do I understand you propose to insert after the word "who"?

Mr. SANDERS of Indiana. I propose to insert the language that was stricken out of section 8, "in order to enhance the price." I think that was agreed to by the committee, and through inadvertence it was put in the other section.

Mr. WINGO. No. It was agreed to, but in recasting the section it was left out deliberately. If you put it where you

propose to put it, we would have a repetition, because that is not the only thing we propose to punish by this section. What we propose to do now is to punish any person who combines with or aids or abets any other person in doing any one of the several things mentioned in the clauses (a), (b), (c), and (d); in other words, if he conspires or combines with or aids or abets any other person in limiting the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessities, or in restricting the supply of any necessities, or in restricting the distribution of any necessities, or for the purpose of preventing, limiting, or lessening the manufacture or production of any necessities. There are several different acts enumerated.

Mr. ANDERSON. In other words, it is the combination or conspiracy that you punish here, not the intent that the individual has to combine with somebody else to do what is unlawful.

Mr. WINGO. No. I think possibly, if I recall the discussion of it, some of us contended that we ought to be a little more explicit to mean what you suggest. That is, that the language that we now have does not punish anything but the conspiracy. I think the language used punishes only the conspiracy to do these things, and does it without the language that the gentleman from Indiana proposes.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SCOTT of Michigan. If the amendment of the gentleman prevails, I am inclined to believe—and I make the suggestion for his consideration—that the man who had been arrested could very properly raise this defense: He could say that he could not be convicted, because his purpose in limiting the facilities for transportation was not to raise the price, but in order to embarrass his own country. He might possibly be convicted on some other charge, but he could acknowledge a crime and clear himself of the charge under this provision.

Mr. SANDERS of Indiana. If he successfully made the defense that he did this for some other reason, he ought to go acquitted under this statute.

Mr. SCOTT of Michigan. That is true; but if the gentleman's amendment prevails then it will be necessary for the prosecution to prove absolutely that his purpose was—

Mr. SANDERS of Indiana. Unlawful.

Mr. SCOTT of Michigan. Not unlawful, but was to enhance the value.

Mr. SANDERS of Indiana. To be sure.

Mr. SCOTT of Michigan. I agree with the gentleman from Arkansas [Mr. WINGO] that that limits the purpose of the section rather than extends it.

Mr. SANDERS of Indiana. I do not think I made my point very clear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, may I, in the gentleman's time, inquire of the chairman of the committee how late he intends to run? It is now after half past 4, and there is a very small attendance here.

Mr. FOSTER. I should like to finish this section and read section 10.

Mr. STAFFORD. All right.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DEMPSEY. I think perhaps if the gentleman would yield to me I could make a suggestion—

Mr. SANDERS of Indiana. I yield to my friend.

Mr. DEMPSEY. I will suggest to my friend from Indiana that the proposed amendment would, it seems to me, place upon the Government the burden not only of proving the offense but of proving the intent.

Mr. SANDERS of Indiana. It always has to do that anyway.

Mr. DEMPSEY. No; that is not true.

Mr. WOOD of Indiana. The intent follows the act.

Mr. DEMPSEY. The intent, as a general rule, follows the act itself.

Mr. SANDERS of Indiana. You have to introduce the evidentiary facts in order to prove the intent.

Mr. DEMPSEY. I am afraid the amendment proposed would put the onus upon the Government to establish affirmatively the intent as a separate fact. I am afraid, in other words, that the proof of the act itself, no matter how clear it might be, would

not entitle the Government to a conviction, but that the Government would have to establish guilt by adding to the proof of the act the proof of the intent as a separate factor.

While I am on my feet I would like to call the attention of the gentleman from Arkansas [Mr. Wingo] also to this, in reference to the suggestion made by him: This section as drawn, as was suggested by the gentleman from Arkansas, seems to punish simply the conspiring and combining, aiding or abetting, and not the doing of the act. Now, should there not be after the word "necessary," in line 15, something added, so that you could convict for the doing of the act either separately or with others?

Mr. WINGO. Since I was on the floor my memory has been refreshed, and my attention is called to section 4. By that section we make unlawful the acts, and by this section we punish conspiracy to commit these unlawful acts.

Mr. DEMPSEY. I see. I apologize to the gentleman from Indiana for taking so much of his time.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman.

Mr. WOOD of Indiana. I desire to call the attention of the gentleman from Arkansas [Mr. Wingo] to this fact: In order to prosecute a conspiracy successfully there must be some unlawful purpose for the conspiracy. Now, there is nothing in this section 9 but what might be entirely lawful. There either ought to be some characterization like that offered by the gentleman from Indiana [Mr. SANDERS] or else the word "unlawfully" should be inserted somewhere.

Mr. DEMPSEY. "Unlawfully" would be all right.

Mr. WINGO. In section 4 we declare the doing of these things unlawful, and then subsequently we punish the conspiracy to do the things which at another place in the same act are declared to be unlawful. In view of that fact does the gentleman think it is necessary to insert the word "unlawful" here?

Mr. DEMPSEY. I do not think so.

Mr. WOOD of Indiana. For this reason, in section 4 you are not proving a penalty. This is purely a criminal section and there ought to be set out some unlawful purpose; in order for a successful prosecution for conspiracy there must be an unlawful purpose. The word "unlawful" should be added or the things enumerated in (a), (b), and (c).

Mr. SANDERS of Indiana. In further proof that section 7 originally contained the provision I call the committee's attention to the fact that section 9 in the food bill had the same provision that I am seeking to place in this section, except that it was in the latter part of the section. On page 4 of the food bill, section 9, is the expression "in order to enhance the price thereof."

Mr. STAFFORD. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. STAFFORD. Does not the gentleman agree that in the food bill the clause he refers to refers to subsection d as the crime rather than—

Mr. SANDERS of Indiana. I was afraid of that interpretation, and in the committee I took it out and put it in the top line.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. I want to point out why I think it is absolutely necessary to put the qualifying words in the section. Section 9 does not deal alone with conspiracies and combinations, but also with agreements and arrangements. If the section of the bill is left as it now stands, you will have a violation of the criminal law for any two men to agree to limit the facilities for transportation of any of these necessities, although it may be for a wise and legitimate purpose, or to make an arrangement to that effect, no matter what sort of a purpose they may have.

Under section (b) if two men agree or arrange to restrict the supply of any of the necessities, no matter how lawful or worthy the object, it will be a violation of the section. If they have agreed to arrange to restrict the distribution, no matter what purpose they have, they will be subject to the drastic penalty of this provision.

But if the section is made to read as the food law reads, and as it should be interpreted, it will make only those things a crime when they are done for the purpose of enhancing the price. That is the object of the legislation. In other words, if they undertake to limit the transportation to enhance the price it will be a violation of the law. If they agree to restrict the supply in order to enhance the price, it will be a violation of the law. What is the objection to their restricting the supply unless it does enhance the price. If they undertake to restrict the distribution of it to enhance the price it will be a violation of the

law. If they arrange to do any of these things for some other purpose then it should not be a violation of the law. If they have some other object in view which is unlawful, and you want the law to cover that, then you have another matter, which can be reached by appropriate criminal legislation. But this ought not to be left in the shape that it is at the present, so that an undertaking to do a laudable thing subjects anyone to fine and imprisonment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKEOWN. As I gather, the gentleman wants to make it plain what the unlawful acts consist of.

Mr. SANDERS of Indiana. Yes.

Mr. McKEOWN. Would it not be wise to add these words, "in order to enhance the value and impede the Government in the progress of this war"?

Mr. SANDERS of Indiana. I would have no objection to the insertion of any phrase which would make unlawful things that ought to be made unlawful.

Mr. GREEN of Iowa. Mr. Chairman, the statement just made by the gentleman from Oklahoma [Mr. McKeown] affords one reason why possibly the amendment of the gentleman ought not to prevail. The question as to whether the amendment should be sustained depends on what is sought. If we consider this paragraph simply as a sort of antitrust measure, I quite agree with my friend from Indiana that the amendment ought to be inserted. But if as a war measure it is absolutely necessary that the Government should not be impeded in any kind of way in obtaining these materials and therefore it is sought to forbid not only the enhancement of the price but any attempt to prevent the Government from getting hold of the materials, of receiving them at any time, and gathering them together for necessary purposes, then I can see why the paragraph ought to remain in its original form.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. Suppose two producers of an article get together and agree that they will not erect storage warehouses. That would limit the storage for materials; not intending to enhance the price but for a valid reason, does the gentleman believe we should make it a crime to carry out a valid business agreement?

Mr. GREEN of Iowa. The gentleman is supposing something that would not come within the provisions of the statute in any way.

Mr. STAFFORD. It does not even require it to be unlawful. The gentleman is not acquainted with the phraseology of the paragraph.

Mr. GREEN of Iowa. Oh, the gentleman is entirely acquainted with it. He has read it and reread it.

Mr. STAFFORD. Then I direct the gentleman's attention to subdivision (a) of section 9 and ask whether that does not apply to that very case?

Mr. GREEN of Iowa. A penalty can not be enforced simply because an act might in some kind of way be included within the provisions. If a penalty is enforced at all, it is enforced because it necessarily comes within the provisions; and the mere fact that a man combines with some others not to erect a storehouse would not subject him to any of the penalties of this paragraph. Criminal laws are always construed strictly, and nothing is included by implication.

Mr. HAMLIN. Can not the gentleman also see, if the amendment of the gentleman from Indiana is adopted, when the Government might find itself in this condition? It might appear that an injury had been done or a crime had been committed due to a conspiracy formed unlawfully, and yet the Government could not prove that the purpose of that conspiracy and the object of it was to "enhance the price" and therefore, if the amendment be adopted, the Government would fail to secure a conviction notwithstanding a great injury had been done to the Government.

Mr. GREEN of Iowa. That is all very true, and yet I perhaps would hardly want to oppose the amendment upon that ground. In peace times I would think that we ought to have the provision inserted that the gentleman from Indiana desires through his amendment.

Mr. HAMLIN. If the enhancement of the price is the only thing you want to prevent, then the amendment of the gentleman from Indiana [Mr. SANDERS] ought to be adopted, but I think we want to cover a broader field.

Mr. GREEN of Iowa. Yes. I think the whole question of whether the amendment should be adopted rests upon that point.

Mr. HAMLIN. I do, too.

Mr. SANDERS of Indiana. Suppose two miners got together and agreed to lay off on the Fourth of July. That would restrict the supply of necessities.

Mr. HAMLIN. I think the gentleman from Iowa has very well answered that argument. I do not think it enters into this at all, because if their purpose was innocent and not intending to commit any crime against the Government they could not be convicted. It is nonsense to talk about their being convicted under the circumstances just mentioned by the gentleman from Indiana.

Mr. GREEN of Iowa. The gentleman from Minnesota [Mr. ANDERSON] informs me that this provision was taken from the Canadian act.

Mr. SANDERS of Indiana. I think the provision was taken from the food act. The provisions of the food act may have been taken from the Canadian act. The food act contains a provision that I want to put in here.

Mr. GREEN of Iowa. In respect to food, I scarcely see how war preparation could be affected, unless the price of food was raised, and I think the provision was very properly put in that act.

Mr. COOPER of Wisconsin. Is it not an inevitable consequence of a restriction of the supply of necessities that the price of necessities shall be enhanced. A restriction of the supply of luxuries does not necessarily enhance the price, because you can do with or without luxuries, in your discretion. If they are necessities, however, which you must have, if the supply is restricted it enhances the price naturally in the market.

Mr. GREEN of Iowa. That would be the inevitable effect, and, as the gentleman from Wisconsin might have suggested further, the only result of the change in this particular case would be to throw an additional burden on the Government in making out its case.

Mr. SANDERS of Indiana. Suppose 100 laborers should strike and remain on a strike for three weeks. Could they be prosecuted under section (b), the way it is written now? That would restrict the supply of necessities.

Mr. GREEN of Iowa. The gentleman must remember that all through this is carried the necessary implication that the purpose must be proved; that is, the purpose to restrict the output. Unless this is shown, the conspiracy will not be made out. This purpose is not shown by proving that such a result might follow. I am not, however, asserting that the amendment of the gentleman from Indiana should be rejected. I am only presenting some matters that I think should be considered before a vote is taken.

Mr. YOUNG of North Dakota. Mr. Chairman, to-morrow will be the one hundredth anniversary of the proclamation of President James Monroe putting into operation the Rush-Bagot treaty, which provided for disarmament upon the Great American Lakes. At the time it was negotiated it was not dignified by the word "treaty." It was rather given the modest designation of "an exchange of notes."

Letters were exchanged between Richard Rush, Acting Secretary of State, and Charles Bagot, British minister to the United States. The negotiations were of the greatest simplicity. On April 28, 1817, Mr. Bagot wrote Mr. Rush that his Government had authorized him to accede to the proposition which had been made to him by Mr. Rush, which was:

That the naval force to be maintained upon the American Lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is:

On Lake Ontario to one vessel not exceeding 100 tons burden and armed with one 18-pound cannon.

On the upper Lakes to two vessels not exceeding like burden each and armed with like force.

On the waters of Lake Champlain to one vessel not exceeding like burden and armed with like force.

And His Royal Highness agrees that all other armed vessels on these lakes shall be forthwith dismantled and that no other vessels of war shall be there built or armed.

His Royal Highness further agrees that if either party should hereafter be desirous of annulling this stipulation and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The following day Mr. Rush wrote a cordial letter to Mr. Bagot, in which he said:

The undersigned has the honor to express to Mr. Bagot the satisfaction which the President feels at His Royal Highness the Prince Regent's having acceded to the proposition of this Government as contained in the note alluded to. And in further answer to Mr. Bagot's note the undersigned, by direction of the President, has the honor to state that this Government, cherishing the same sentiments expressed

in the note of the 2d of August, agrees that the naval force to be maintained upon the Lakes by the United States and Great Britain shall henceforth be confined to the following vessels—

Named in Mr. Bagot's letter. It will be noticed that the armaments were reduced to the point of practically a revenue police service.

This is an almost forgotten page of history. Something like 99 people out of 100 have fallen into the mistake of believing that disarmament upon the Great Lakes dated from the treaty of Ghent, December 24, 1814. It is true that peace with Great Britain dates from the treaty of Ghent, but would that peace have endured had hostile battle fleets floated upon the Great Lakes during the past century?

Mr. Chairman, the life of the treaty was threatened more than once. Either party had the right to annul it upon six months' notice. Its existence was threatened during the Fenian raids of 1837 and again by reason of the excitement over the case of McLeod in the forties. The most serious menace to the life of this treaty, however, was on account of private shipbuilding interests a quarter of a century ago. On the 4th day of April, 1892, Senator McMillan, of Michigan, presented a petition of the iron shipbuilding companies of the Great Lakes praying for the early and complete abrogation of the treaty. On April 8, 1892, Senator McMillan introduced a resolution requiring the Secretary of War to inform the Senate whether any bids had been received for war vessels from shipbuilding companies on the Great Lakes and whether any such bids were refused or rejected for any reason or reasons other than such as follow from the usual rule in accepting or rejecting bids for that class of work; and if so, the reasons therefor.

On May 5, 1892, the Secretary of War reported that there had been three bids received for the construction of a first-class torpedo boat; that two of the bids were rejected upon the usual grounds; and the third, that of F. W. Wheeler & Co., of Bay City, Mich., being the lowest bid, was rejected, the reason assigned being that the department could not, under existing treaty stipulations, award a contract for the construction of a vessel of war upon the Great Lakes.

On April 8, 1892, a resolution was also passed by the Senate asking the Secretary of State to inform the Senate whether the Rush-Bagot treaty was still in force. Secretary of State John W. Foster replied, on December 7, 1892, expressing the opinion that it was still in force. In the meantime public sentiment had been somewhat aroused and to such an extent that the iron-ship building companies and others interested with them abandoned the idea of securing an abrogation of the treaty. No one, so far as known, has even suggested since then that the treaty should be abrogated. It has lived through a century and has doubtless been a great factor in maintaining the peaceful relations between this country and Great Britain which has existed since the signing of the treaty of Ghent.

The Great Lakes cover an area of 97,850 square miles and have over 5,000 miles of shore line. They are greater in extent than the Bering Sea, six times as large as the Baltic Sea, and almost as large as the Mediterranean. Many cities have been built along their shores, among them the great cities of Chicago and Milwaukee; Duluth, that will soon rival Pittsburgh; Detroit, Port Huron, and Bay City, three important cities of Michigan; Toledo and Cleveland, in Ohio; and the great city of Buffalo, in the Empire State; and on the Canadian side Port Arthur, Sault Ste. Marie, Goderich, Sarnia, Hamilton, Kingston, and Toronto. These are the more important cities, by no means all of them.

A kind Providence has smiled upon the commerce of these Lakes, dedicated to peace by the wise men of two great nations. Thirty-seven millions of people live in the eight bordering States, according to the census of 1910, more than one-third of the entire population of the North American Continent, and one-third of the total tonnage of North America is on the Great Lakes.

The development of the Lakes country is almost as little known as the treaty by which its commerce was permitted to grow unfettered by the frowns of guns on land or water. How many know that there is upon the Great Lakes the largest fleet of freighters on earth; and that its cities have grown more rapidly than Boston, New York, Philadelphia, or San Francisco? The freight handled on the Great Lakes amounts to six times as much as the freight of all the nations passing through the Suez Canal. To get an idea of the immensity of the Lakes traffic it may be said that in one year there were added 40 bulk freighters with a total capacity of 360,000 tons. To carry the same amount would require over 300 trains of 30 cars each, or a single train 70 miles long.

Dedicated to peace, the boundary Lakes have been in the past and will be in the future a great factor in preventing ex-

cessive railroad rates. Every farmer in the Northwest who has shipped a bushel of grain or purchased a ton of coal has been benefited in this respect; every consumer of the products of western farms or the products of the mines of Minnesota, Michigan, and Wisconsin has also been benefited by the Lakes transportation rates. And so these Lakes, which have somehow existed without the protection of armed ships of war, have been a blessing directly or indirectly to all the people of the United States and Canada.

It is difficult during this time of war to discuss peace problems. The thought of the Nation is almost entirely centered upon the war. The discussion of a premature peace is not only distasteful to real Americans but, to my mind, highly undesirable and mischievous. But sooner or later normal conditions will return. When that time comes it will be well for thoughtful Americans, and, indeed, the people of all nations, to keep in mind the wise and beneficent disarmament treaty entered into 100 years ago. And in this time of national stress, of all-absorbing war problems, may we not pause long enough to take off our hats to the prophets of a century ago, Richard Rush and Charles Bagot, who did so much to preserve peace among the Anglo-Saxon peoples? [Applause.]

Mr. WINGO. Mr. Chairman, just a word before the vote on the amendment is taken. I hope the committee will not adopt the amendment. We discussed this very proposition very fully in the committee. I wish to offer this suggestion to my colleague. Action in order to enhance the price is really not the prime and only thing we want to punish. Limiting the production of those things that we need would be a more serious offense, in my judgment, than conspiracy for the purpose of enhancing the price, but now, if the gentleman will turn to section 4 of the bill—

Mr. STAFFORD. Will the gentleman yield?

Mr. WINGO. I will.

Mr. STAFFORD. It might become a bother to the Government, where we have guaranteed the price and the production is more than the country can consume, to limit the production, and yet the gentleman would make that a penal offense.

Mr. WINGO. No; the gentleman is going far afield.

Mr. STAFFORD. If the gentleman will permit further, a later provision provides that the President shall even be authorized to levy tariff duties if there are going to be any supplies coming from abroad that will destroy or lower the guaranteed price.

Mr. WINGO. That does not have anything to do with private domestic production.

Mr. STAFFORD. And yet it might be to the interest of the Government to have private production lessened.

Mr. WINGO. I do not think any court would hold we are trying to legislate to penalize the Government—

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order there is no quorum present.

Mr. FOSTER. If the gentleman will permit us—

Mr. COOPER of Wisconsin. How much longer is the gentleman going to run?

Mr. FOSTER. We want to finish this section and read the other one through.

Mr. COOPER of Wisconsin. I withdraw the point of order.

Mr. WINGO. Mr. Chairman, as I started to say, if gentlemen will read section 4, you will find that section makes the doing of these things, the doing of these acts unlawful, and to be frank, I think in the last two lines of section 4, page 5, we take care of the conspiracy proposition. But the provisions of section 4 make these things unlawful. That being true, it is not necessary to use the word unlawful in section 9. I hope the committee will not adopt the amendment.

Mr. ROBBINS. Will the gentleman yield?

Mr. WINGO. I will.

Mr. ROBBINS. Does not the gentleman think in a penal statute that is so severe in its penalties as this statute is in this section that there ought to be an intentional doing of an act or of things forbidden?

Mr. WINGO. Well, in order to answer the gentleman to my satisfaction, I would have to go into all the presumptions that flow from the doing of an act wrong per se. When a man does a thing it is presumed that he intends the natural consequences of his act. No sane man would do the things prohibited by this provision without a wrongful intent, doing what he knew was not only wrong, but also harmful to the country and unlawful by statute.

Mr. ROBBINS. If a man in a shipyard would take a holiday, would it be embraced in this section?

Mr. WINGO. I submit to the gentleman he can not find any court that would adopt such a strained construction. This is not to prevent a workman from going and taking a holiday, and

I do not think anything in this section would prevent a workman from striking if he wanted to.

Mr. GARLAND. Suppose a number of them go on a strike, would it?

Mr. WINGO. I think not.

Mr. ROBBINS. It would undoubtedly do that, because there would be an agreement to cease work and limit production.

Mr. WINGO. If men strike, not for the purpose of bettering their condition, but in order to hinder war preparations, then they should be punished.

Mr. ROBBINS. Then you ought to have the word "unlawful" in this section, and then you would have it protected by the other section.

Mr. WINGO. In section 4 these same acts are declared unlawful.

Mr. STAFFORD. This does not refer to section 4.

Mr. WINGO. It does. You have declared certain things to be unlawful in section 4, and then in section 9 you make it a penal offense to conspire to do any of these things which in section 4 you made unlawful.

Mr. DEMPSEY. The prime consideration is that an act must be read as a whole and not separately.

Mr. WOOD of Indiana. If you are correct in your contention that all is covered in section 4 makes unlawful all in section 9, then in order to make the two consistent each one must be for the purpose of prosecuting an unlawful act. I agree with the gentleman in the main in his contention; but if you will take and read section 4 and then take and read section 9, we will find some of the things are not specifically defined in section 4. I would therefore suggest to the gentleman that the word "unlawfully," after the word "who," in first line of section 9, will cure whatever defect may have been made by reason of all in section 9 not being included in section 4. And in the event that it is, it can not hurt anything and it will make both sections certain.

Mr. WINGO. To be frank with the gentleman, I do not think it is necessary.

Mr. WOOD of Indiana. It would not hurt anything.

Mr. WINGO. I prefer that to the amendment the gentleman has offered.

Mr. WOOD of Indiana. I offer as a substitute to the amendment proposed that the word "unlawfully" be added after the word "who," in line 8, page 9.

Mr. WINGO. The committee is prepared to accept that, though unnecessary.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Indiana [Mr. WOOD].

Mr. WALSH. Mr. Chairman, I could not hear the amendment as he stated it. It certainly ought to be reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WOOD of Indiana as a substitute for the amendment offered by Mr. SANDERS of Indiana: Page 9, line 8, after the word "who," insert the word "unlawfully."

Mr. LONDON. Mr. Chairman, I rise to a parliamentary inquiry. Has debate on this section been exhausted?

The CHAIRMAN. No.

Mr. LONDON. There seems to be a typographical error here. The expression "who, in order to enhance the price of necessities," which appears in this bill in lines 3 and 4, page 9, should have appeared in lines 8 and 9.

Mr. SCOTT of Michigan. That has been disposed of.

Mr. LONDON. There is no doubt but that is a typographical error.

Mr. SCOTT of Michigan. That has been taken out.

Mr. LONDON. I know it has been taken out in lines 3 and 4, but the committee intended it should be in lines 8 and 9. In other words, it should follow the word "person" in line 8, section 9, so that the section would read:

That any person who, in order to enhance the price of necessities, conspires, combines, agrees—

And so forth.

Mr. SCOTT of Michigan. That is the amendment presented by the gentleman from Indiana [Mr. SANDERS].

Mr. LONDON. I was under the impression that the amendment had been adopted by the committee.

Mr. SCOTT of Michigan. No.

Mr. LONDON. There is no reason why the committee should oppose it here. When the bill was before the committee, after considerable discussion, it reached the agreement that it was necessary in order to protect workers in case of a strike for the purpose of improving their condition, and not with the object of limiting the output.

Mr. WINGO. If the gentleman will permit, inasmuch as he was absent I will say that we have been discussing that very

amendment, that very proposition, and I think, if the gentleman will recall, the committee, after thoroughly going into this, stood by the language as it is now, and we specifically cut out the language that he is now asking to be restored.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. LONDON. I do.

Mr. SANDERS of Indiana. Is not the gentleman's recollection that in the committee we did so amend section 9 as to include after the word "who" the expression "in order to enhance the price of necessities"?

Mr. LONDON. The recollection of the gentleman from Arkansas [Mr. Wingo] seems to conflict with your recollection and mine. I am under the impression that we decided to incorporate the phrase "in order to enhance the price of necessities."

Mr. SANDERS of Indiana. That is my recollection. Let me ask the gentleman a question. If section 9 is left as it now reads, and there is a strike at any plant producing these necessities, is it the gentleman's opinion that every person joining in that strike would be guilty of this crime under subdivisions (c) and (d)?

Mr. LONDON. There is not the slightest doubt about it, no matter what the strike was for. The country has been very fortunate so far as strikes are concerned. There is complete cooperation with organized labor, and the only sections of the country where they suffer are those sections where the employers are a band of pirates and the workers are not given a chance to organize, so that in some sections the I. W. W. are merely working out the law of compensation. Where the employers are a band of thieves and conscienceless oppressors, there they have the I. W. W. to deal with, but wherever the employers have learned to recognize the right of the working people to improve their condition by collective efforts there has been no trouble, and there will be no trouble.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HAMLIN. The gentleman answered affirmatively the question of the gentleman from Indiana, that a strike would come under the ban of this section.

Mr. LONDON. I so believe. Otherwise I would not try to take up the time of the House.

Mr. HAMLIN. The gentleman does not want to say that when workmen strike their purpose is to "limit the facilities or the production or the manufacture of these materials"? In other words, that the purpose of the workmen in striking is to injure the Government rather than better their condition. I do not think so.

Mr. LONDON. I have a pretty fair knowledge of the laws relating to labor unions. There is a section in the criminal code of New York State which affirmatively declares that the action of workmen in striking for the purpose of improving their conditions and getting better wages shall not be held a crime, because before that it was almost uniformly interpreted as a criminal conspiracy, and it was necessary to affirmatively declare it in the law of New York. I am familiar with the decisions of the courts in reference to the laws regarding the rights of workmen. There is no reason why you should hamper workers who are resisting exploitation.

Mr. HAMLIN. I think there ought to be something in this law to punish men for doing these things for other purposes than merely enhancing the price of the materials.

Mr. ROBBINS. Does not the gentleman think that "unlawful" would be the better expression? Because there is a law which prevents men from striking for purposes other than that of bettering their condition.

Mr. LONDON. There is no Federal law covering that.

Mr. McKEOWN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. McKEOWN. This is an amendment to the amendment of the gentleman from Indiana [Mr. SANDERS]. It was prepared as a substitute.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment to the amendment of the gentleman from Indiana, which the Clerk will report.

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

Mr. HAMLIN. Oh, let the amendment be read, so that it will be in the Record.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McKEOWN to the amendment offered by Mr. SANDERS of Indiana: Add to the amendment the words "or for the purpose of impeding the Government in carrying on the war," so that it will read, "in order to enhance the price of necessities or for the purpose of impeding the Government in carrying on the war."

Mr. FOSTER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House, under the previous order, adjourned until to-morrow, Sunday, April 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting for the consideration of Congress copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the health department of the Panama Canal for the fiscal year 1918 (H. Doc. No. 1069); to the Committee on Appropriations and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting certified copy of the findings of fact, with an opinion of the court, per curiam, in the case of the Yankton Sioux Indians v. The United States (H. Doc. No. 1069); to the Committee on Indian Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCLINTIC, from the Committee on the Public Lands, to which was referred the bill (H. R. 139) granting to the State of Oklahoma 210,000 acres of unappropriated nonmineral land for the benefit of its agricultural and mechanical colleges according to the provisions of the acts of July 2, 1862, and July 23, 1862, and authorizing the Secretary of the Treasury, upon the Secretary of the Interior certifying the number of acres available and that there are not sufficient lands in the State of Oklahoma to comply with the provisions of this act, to pay the State of Oklahoma in lieu thereof the sum of \$1.25 per acre for the number of acres due said State, reported the same with amendment, accompanied by a report (No. 526), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10459) granting a pension to Jean N. Roach, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. YOUNG of North Dakota: A bill (H. R. 11736) for the erection of a monument to the memory of Richard Rush and Charles Bagot at Duluth, Minn.; to the Committee on the Library.

By Mr. BELL: A bill (H. R. 11737) to provide for the erection of a public building at the city of Winder, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11738) to provide for the erection of a public building at the city of Buford, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11739) to establish a fish hatchery and fish station in the ninth congressional district of Georgia; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 11740) authorizing the erection of a post-office building at Commerce, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11741) to construct a suitable building for the use of the United States Court at Gainesville, Ga., and for

other purposes; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11742) to provide for the erection of a public building at the city of Canton Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11743) authorizing the erection of a post-office building in Jefferson, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11744) authorizing the erection of a post-office building at Lawrenceville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11745) for the relief of the State of Georgia; to the Committee on Claims.

Also, a bill (H. R. 11746) to construct a national highway in Georgia; to the Committee on Military Affairs.

Also, a bill (H. R. 11747) to provide for the erection of a public building at the city of Toccoa, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11748) to construct a national highway from Gainesville, Ga., to Hightower Gap; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 11749) to amend an act entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

By Mr. BELL: A bill (H. R. 11750) authorizing and directing the Secretary of Agriculture to conduct experiments in the cultivation of apple trees and apples and to establish an experiment station at Cornelia, Habersham County, Ga.; to the Committee on Agriculture.

Also, a bill (H. R. 11751) to amend the acts to regulate commerce so as to provide that publishers of newspapers and periodicals may enter into advertising contracts with common carriers and receive payment for such advertisements in transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND: A bill (H. R. 11752) authorizing the Secretary of War to provide and present a medal of honor to Dossey A. Lenning for distinguished military service; to the Committee on Military Affairs.

By Mr. HAMILTON of New York: Resolution (H. Res. 327) authorizing the Clerk of the House to pay to Amy S. Travis, widow of John A. Travis, late a messenger on the soldiers' roll of the House, a sum equal to six months' compensation; to the Committee on Accounts.

By Mr. HEFLIN: Resolution (H. Res. 328) to insure justice to the cotton farmer and an adequate cotton supply; to the Committee on Agriculture.

By Mr. STINESS: Memorial of the Rhode Island General Assembly, indorsing the proposed council of States on the establishment of definite relationship between sources of Federal and State revenues, and providing for official representation therein; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11753) granting an increase of pension to James W. Craig; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 11754) for the relief of William J. Cochran; to the Committee on War Claims.

Also, a bill (H. R. 11755) for the relief of James H. Hendricks; to the Committee on War Claims.

Also, a bill (H. R. 11756) for the relief of Joseph M. Davis; to the Committee on War Claims.

Also, a bill (H. R. 11757) for the relief of Mrs. F. E. Chandler; to the Committee on War Claims.

Also, a bill (H. R. 11758) for the relief of the heirs of W. W. W. Fleming; to the Committee on War Claims.

Also, a bill (H. R. 11759) for the relief of New Hope Baptist Church, of Bartow County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 11760) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

Also, a bill (H. R. 11761) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

Also, a bill (H. R. 11762) granting a pension to Sanford A. Pinyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11763) granting a pension to Benjamin B. Glass; to the Committee on Pensions.

Also, a bill (H. R. 11764) granting a pension to Albert H. Free; to the Committee on Pensions.

Also, a bill (H. R. 11765) granting a pension to Swinfield Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11766) granting a pension to William S. Kemp; to the Committee on Pensions.

Also, a bill (H. R. 11767) granting a pension to Pinckney P. Chastain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11768) granting a pension to William A. Senkbeil; to the Committee on Pensions.

Also, a bill (H. R. 11769) granting a pension to William J. Shedd; to the Committee on Pensions.

Also, a bill (H. R. 11770) granting a pension to Ernest P. Summer; to the Committee on Pensions.

Also, a bill (H. R. 11771) granting a pension to William M. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11772) granting a pension to Sarah L. Bowen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11773) granting a pension to William H. Simmons; to the Committee on Pensions.

Also, a bill (H. R. 11774) granting a pension to James N. Parker; to the Committee on Pensions.

Also, a bill (H. R. 11775) granting an increase of pension to Martin K. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11776) granting an increase of pension to Jackson A. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 11777) granting an increase of pension to Samuel M. Higgins; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 11778) granting a pension to Mary A. Barnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11779) granting an increase of pension to Edward D. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11780) granting an increase of pension to William T. Richardson; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 11781) granting an increase of pension to Alfred Lukens; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 11782) granting an increase of pension to William T. Hoxey; to the Committee on Pensions.

By Mr. GLYNN: A bill (H. R. 11783) granting a pension to Elliott B. Peck; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 11784) granting an increase of pension to Harvey Fleagle; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 11785) granting an increase of pension to Emma L. Beach; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 11786) granting a pension to Jennette Hamilton; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 11787) granting a pension to Fannie Campfield; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 11788) granting an increase of pension to Robert W. Jones; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 11789) for the relief of Patrick J. Purcell; to the Committee on Claims.

By Mr. MERRITT: A bill (H. R. 11790) for the relief of Perry L. Haynes; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 11791) for the relief of Lemuel Stokes; to the Committee on War Claims.

By Mr. RANDALL: A bill (H. R. 11792) granting an increase of pension to Otto B. Varner; to the Committee on Pensions.

By Mr. ROMJUE: A bill (H. R. 11793) granting an increase of pension to Joseph Forbes; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11794) granting an increase of pension to Mary Herbst; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11795) granting an increase of pension to Charles J. Schoonmaker; to the Committee on Pensions.

Also, a bill (H. R. 11796) granting a pension to Annie Eliza Whitney; to the Committee on Pensions.

Also, a bill (H. R. 11797) granting an increase of pension to Archie Morgan; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 11798) to carry out the findings of the Court of Claims in the case of Marie L. Hermance, administratrix of Jeremiah Simonson, deceased; to the Committee on War Claims.

By Mr. TILLMAN: A bill (H. R. 11799) to correct the military record of James H. Murphy; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petitions of B. A. Larger, general secretary, Garment Workers of America, and of F. W. Crum and N. F. Hanf, both of New York City, urging the repeal of

the zone system of postage rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. ELSTON: Memorial of California Federation of Women's Clubs, favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Memorial of the First Church of Christ; Tent No. 1, Daughters of Veterans; and Sheridan Dix Post, No. 7, Grand Army of the Republic, all of San Jose, Cal., favoring immediate prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of the Woman's Peace Party of Cincinnati, opposing compulsory military training; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of the Judson Manufacturing Co., 819 Folsom Street, and 11 other firms, of San Francisco, Cal., favoring payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of the James Graham Manufacturing Co., 531 Mission Street, and 11 other firms of San Francisco, Cal., favoring the payment of income and excess-profits taxes in installments; to the Committee on Ways and Means.

Also, petition of J. J. Pfister Knitting Co., post-office station A, Berkeley, Cal.; Klein-Norton Co., 253-259 South Los Angeles Street, Los Angeles, Cal.; and Hedges-Buck Co., post-office box 514, Stockton, Cal., favoring payment of income and excess-profit taxes in installments; to the Committee on Ways and Means.

By Mr. RAKER: Petition of H. N. Cook Co., of San Francisco, Cal., against putting leather goods under Government control; to the Committee on Agriculture.

Also, petition of Pedic Society of the State of California, favoring passage of House bill 3649, regulating practice of chiropody in Washington, D. C.; to the Committee on the District of Columbia.

Also, petition of W. L. Rose, of Stockton, Cal., submitting war suggestions; to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of the United States, relative to central control of Government war buying; to the Committee on Military Affairs.

Also, petition of the United States Chamber of Commerce, favoring the national budget; to the Committee on Appropriations.

By Mr. STINESS: Petition of Rhode Island Homeopathic Medical Society, approving House bill 9563, the Dyer bill; to the Committee on Military Affairs.

Also, petition of Rhode Island State Board of Soldiers' Relief, requesting favorable action relative to House bill 8301; to the Committee on Appropriations.

By Mr. VARE: Memorial adopted by a meeting of citizens of Philadelphia, protesting against conscription of Irish by England; to the Committee on Foreign Affairs.

Also, memorial of the building committee, Philadelphia Chamber of Commerce, asking that housing operation be started to care for Government workers in shipbuilding plant in Philadelphia; to the Committee on Public Buildings and Grounds.

HOUSE OF REPRESENTATIVES.

SUNDAY, April 28, 1918.

The House met at 12 o'clock noon, and was called to order by Mr. GREENE of Massachusetts as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

God in Heaven, whose glory shines round about us with ever-increasing splendor, and which discloses Thy wisdom, power, and goodness in every creative act, from the smallest grain of sand on the seashore to the farthest star that glids the heavens; from the tiniest blade of grass to the most gigantic tree of the forest; from the most infinitesimal germ of life to man, the crowning glory of Thy creative acts, upon whom Thou hast bestowed the power of choice and thus dignified him as the architect of his own fortune—a stupendous responsibility, yet the evidence of Thy trust in him to meet the conditions of life and make for himself a character worthy of the highest admiration.

We meet here to-day, within these historic walls, to memorialize a man who for years was a conspicuous figure on the floor of this House—striking in his personality; strong in his intellectual, moral, and spiritual endowment; rising ever to the full measure of every trust reposed in him by his fellows; leaving behind him a record worthy of emulation.

We mourn his going, and our hearts go out in the warmest sympathy to those who knew and loved him; especially to the daughter who looked to him for strength, guidance, comfort.

May the heart inspire the words of his colleagues that his name may live in history, a beacon light to guide those who shall come after us.

Comfort us all by the blessed hope of the immortality of the soul and inspire us to live worthy of the blessings Thou hast bestowed upon us and we will praise Thy Holy Name, in Jesus Christ our Lord. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. BURROUGHS. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE SULLOWAY.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. WASON by unanimous consent.

Ordered, That Sunday, April 28, 1918, be set apart for addresses on the life, character, and public services of Hon. CYRUS A. SULLOWAY, late a Representative from the State of New Hampshire.

Mr. WASON. Mr. Speaker, several Members of the House who have signified their intention of speaking to-day are unable to be present. I ask unanimous consent that any Member who desires may extend or print in the RECORD remarks on the life and character and service of the late Representative SULLOWAY.

The SPEAKER pro tempore. The gentleman from New Hampshire asks unanimous consent that Members desiring to do so may extend or print in the RECORD remarks on the life, character, and service of the late Representative SULLOWAY. Is there objection?

There was no objection.

Mr. WASON. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

House resolution 329.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CYRUS A. SULLOWAY, late a Member of this House from the State of New Hampshire.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. WASON. Mr. Speaker, from my youth to the date of his death, CYRUS ADAMS SULLOWAY was an acquaintance and a friend. That acquaintance and friendship covered a period of about 40 years. During that period I knew him as a resident and citizen of the county in which I was born and have since lived. I knew him as a member of our State legislature, as Congressman from the first New Hampshire district, and I knew him as a lawyer, both of us practicing in the same courts.

He was born in Grafton, N. H., June 8, 1839, where his boyhood days were spent on his father's farm. In that town his early education was obtained in the public schools. Later, by his own industry and perseverance, with slight assistance from his parents, he was able to take a partial course of instruction at Kimball Union Academy.

In 1863 he was admitted to the bar of New Hampshire, and a few months later went to Manchester, N. H., and began the practice of law, which he followed until March 4, 1895, when he took his seat as a Representative in Congress from the first congressional district of his native State, which position by successive reelections he held, with the exception of two years (Mar. 4, 1913, to Mar. 4, 1915), until the date of his death.

In the early sixties, while he was studying law in Franklin, N. H., he three times voluntarily enlisted in the Union Army, three times determined and eager to defend his country, each time he was rejected by the Army surgeons owing to his physical condition.

The deceased Congressman was a self-made man. In early life his environments were humble but wholesome. He early in life was industrious and straightforward. These became his life characteristics.

In that typical rugged country of central New Hampshire he early learned nature and developed a love for her picturesque hills and valleys, her bubbling, sparkling streams, her green fields, and her forests. Here he learned to follow the winding brook with rod and line. This pastime was his favorite diversion from work and furnished sport through all the later years of his busy life.